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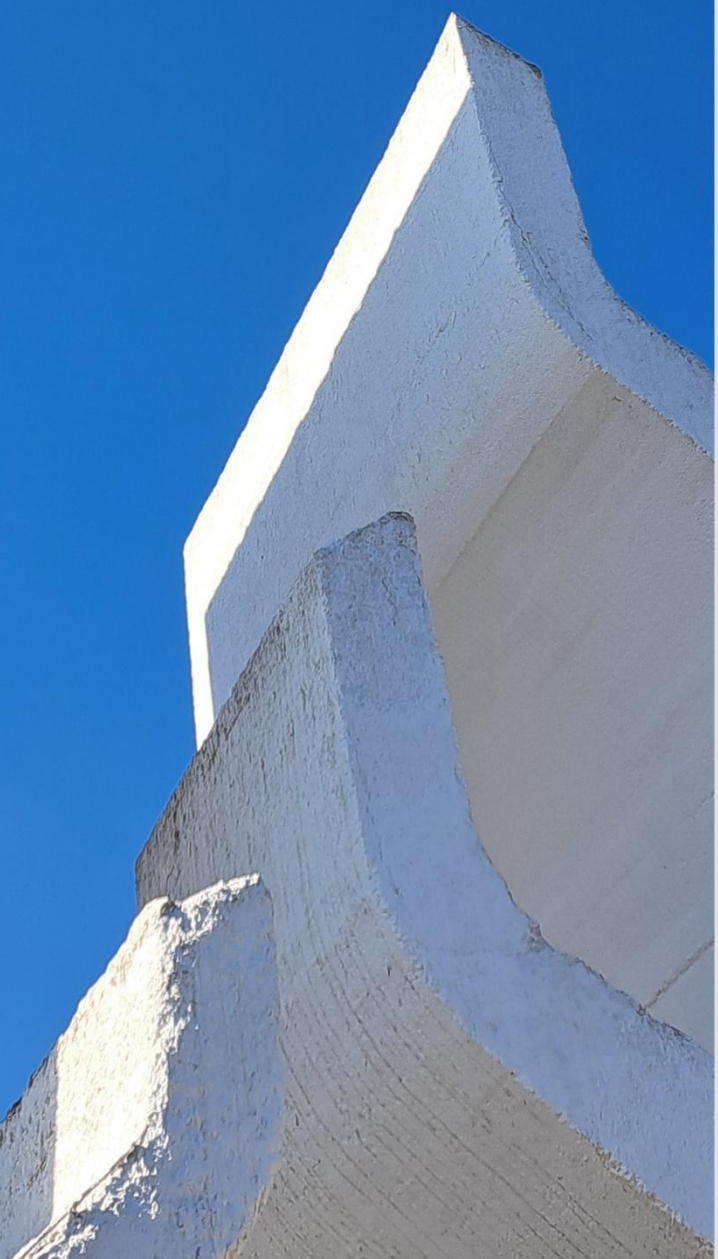

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Teaching Private International Law in Times of Symbiotic Relations with Its Public Counterpart

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Abstract: *The study of private international law in EU universities lacks a unified, standardized framework, leaving future legal professionals unprepared for the increasingly interconnected nature of modern legal issues involving cross-border transactions, disputes, and relationships. In today's globalized world, private international law should be a mandatory core subject for law students, providing them with essential knowledge and skills to navigate the complexities of international legal practice effectively. A common curriculum is urgently needed across EU Member States to address this gap while preserving the distinctiveness of each legal system's genealogy. This article explores the critical role of private international law in contemporary legal education. By analyzing various law degree programs, it argues that this discipline should be compulsory, central, and autonomous within legal studies to prepare lawyers for the transnational challenges of modern legal practice.*

Keywords: *Private International Law; Bachelor of Law Studies; Transnational Reality; EU Law; Practice*

INTRODUCTION

On 9 April 2024, the Grand Chamber delivered its judgment in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (application no. 53600/20 2024), in which the European Court of Human Rights (ECtHR) found a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR). The case concerned a complaint by four women and a Swiss association, *Verein KlimaSeniorinnen Schweiz,* whose members are all older women worried about the consequences of global warming on their living conditions and health. They argued that the Swiss authorities were not taking sufficient action to mitigate the effects of climate change despite their obligations under the Convention. The Court ruled that Article 8 of the Convention includes state authorities' right to effective protection from the severe adverse effects of climate change on life, health, well-being, and quality of life. *KlimaSeniorinnen* is part of a larger family of human rights-based climate cases that "share the aim of forcing governments to take more ambitious action to protect individuals from climate change harms" (Heri 2022). Particularly relevant to this paper is the protection and effectiveness of human rights based on the application of Article 8 regarding respect for private and family life, home, and correspondence. The decision highlights the increasingly symbiotic relationship and mutual influence between private international law (PIL) and public international law.

The specialized doctrine (Oyarzábal 2023) has already pointed out this phenomenon, which, in my understanding, has not been adequately addressed by publicists in general or academia in particular. There is a marked disparity in the consideration and integration of PIL

studies within various legal education systems. In many countries, private international law lacks autonomy and is scattered across other disciplines, such as public international law, European law, or procedural law. Even within the legal education programs of European Union (EU) countries, in many cases, PIL is not a mandatory subject. Instead, it is taught at the Master's level or in specialized postgraduate courses. The unequal treatment of this discipline across European legal education systems, lack of mandatory status, lack of autonomy in countries such as France and the major universities in Germany, and its resulting dispersion into other common legal subjects is problematic. It contradicts the factual evolution and growing importance of PIL as a distinct and essential field of study.

This paper advocates for the need to recognize PIL as an autonomous and mandatory subject to be taught at the undergraduate level across the EU, with a similar structure due to the strong similarities, if not uniform nature, of the topics under scrutiny by the discipline. To support this argument, after this brief introduction, the paper will first present (Section I) a factual background on the increasing importance of PIL in legal affairs, including at the domestic level. It will then explore the "instrumental" role that PIL plays in ensuring the effectiveness and enforceability of public international law, complementing areas such as human rights, climate law, and international public law in general. In other words, to complement human rights, climate law, and international public law in general, to become a law, in the sense that a law, as a command, must be binding and enforceable. Once the increasing importance of PIL has been established, the next section of the paper (Section II) focuses on analyzing legal education systems and how they address and incorporate the subject in their curricula.

From a methodological perspective, this section departs with an examination of the study program and syllabus of the Faculty of Law at the *Universitat Autònoma de Barcelona*, considering the goals we must ensure for our students under the new Spanish law governing university studies (LOSU, Organic Law 2/2023 of 22 March). This includes the study guide for the Bachelor's law degree, which outlines how we should educate law students, and the syllabus for the course on PIL. Based on these materials, the paper analyzes Bachelor's degree programs in France, Germany, and Denmark.

At this early stage of the paper, it is necessary to include a disclaimer: not all universities in the countries under review follow the same syllabus, student guides, or study programs. In Spain, for example, these differences are significant and far-reaching. However, the examples provided offer a general overview of the educational framework for this topic. Additionally, these variations underscore the paper's objective, outlined in the next section (Section III), highlighting the need for greater uniformity and coherence across the EU and within individual Member States. The paper explores the necessity of a more unified academic model at the European level from a general perspective, specifically regarding the study and teaching of PIL in law faculties and schools.

The research topic of this paper and its proposal are considered original, and, to the best of the author's knowledge, no similar proposal has been presented elsewhere. The conclusion of this paper argues for the necessity of a standardized PIL curriculum at the EU level, where the subject is core, mandatory, and aligned with a broad conception of the discipline. This approach is essential to adequately prepare students at the educational level to address the legal challenges that arise in real-world scenarios.

PRIVATE INTERNATIONAL LAW TODAY

Adrià is a young man who earned his Bachelor of Law and obtained an LL. M, and passed the mandatory public and official exam to become a member of the Bar. He plans to open a law firm in his small hometown of Gurb (Northern Catalonia) to provide legal assistance to his fellow citizens. The town is mostly rural, with a modestly developed industry, and he expected to work primarily with locals. To his surprise, however, he deals with numerous cases and issues falling under the scope of private international law. These include matters related to migrants seeking nationality or residence, native-foreigner couples looking to divorce, car accidents involving tourists, contracts where foreign companies are claiming payments or delivery of goods, international money transfers, foreign investments in real estate, and letters rogatory to obtain testimony from foreign citizens in domestic legal proceedings. Such cases seem to be the norm.

This new reality, which compels local lawyers to handle cases with an international dimension, stems from the broader human experience we are all witnessing to varying degrees. The migratory and refugee waves affecting Europe, globalization, and digitalization have led to increased internationalization. As a result, there has been exponential growth in the relevance of PIL, where the individual, rather than the state, is placed at the center of legal matters.

As an example of this exposure, we need to read Amazon's Conditions of Use & Sale. Section 13 (applicable law) is a PIL disposition when stating:

> These conditions are governed by and construed in accordance with the laws of the Grand Duchy of Luxembourg, and the application of the United Nations Convention of Contracts for the International Sale of Goods is expressly excluded. If you are a consumer and have your habitual residence in the EU or the UK, you additionally enjoy the protection afforded to you by mandatory provisions of the law of your country of residence. We both agree to submit to the non-exclusive jurisdiction of the courts of the district of Luxembourg City, which means that you may bring a claim to enforce your consumer protection rights in connection with these Conditions of Use in Luxembourg or in the EU country in which you live. If you reside in the EU, the European Commission provides for an online dispute resolution platform.

Amazon is not a unique example; if you take a taxi or order food through Uber, you also engage with private international law. Uber's Provision 19 on applicable law and jurisdiction in its General Terms of Use states that:

> These Terms shall be governed and construed exclusively in accordance with the laws of the Netherlands, excluding its conflict of law provisions, unless, if you reside in the EU, the legal consumer protection rules of your country of residence contain provisions that are more beneficial to you, in which case those provisions may apply. The United Nations Convention on Contracts for the International Sale of Goods (CISG) of 1980 will not apply. You may bring legal proceedings related to the Services before a competent Dutch court. If you reside in the EU, you may also bring legal proceedings related to the Services before the competent Court of your country of residence. If you reside in the EU, we can only bring legal proceedings against you in your country of residence, unless you are acting as a

> business, in which case you agree to submit to the exclusive jurisdiction of the Dutch courts.

If you buy something on Alibaba, then Adrià will need to contact a Chinese, Singaporean, or Hong Konger colleague; thus, the agreement is governed by Chinese law, and the exclusive jurisdiction belongs to the Yuhang Basic People Court of Hangzhou (PRC) unless if your contract is with alibaba.com Singapore e-commerce private limited, then this agreement shall be governed by laws of the Hong Kong special administrative region without regard to its conflict of law provisions. The parties to this agreement hereby submit to the exclusive jurisdiction of the Hong Kong courts, except as otherwise stipulated under applicable law.

These societal phenomena have caused a transition from international to transnational law, implying an erosion of traditional state sovereignty (Oyarzábal 2023, 223). Moreover, a significant portion of the content of PIL in force in different countries, although formally "national" since the rules are established through the internal norm-creation process, originates from international or supranational codifying efforts (Oyarzábal 2023, 225). If, like Adrià, a law firm is based in the EU, it must navigate multiple EU regulations that have significant practical repercussions in everyday case law. This authority is derived from Title V (Area of Freedom, Security, and Justice) of the TFEU, particularly Chapter 3 (Judicial Cooperation in Civil Matters), which, in Article 81, provides legal frameworks that support the EU single market and guarantee the free movement of goods, services, people, and capital throughout the territory of the Union, Article 26(2) TFEU states that the internal market shall comprise an area without internal frontiers in which the four freedoms are ensured. The internal market is an essential element of the EU's material constitutional identity, placed at its very core and deeply rooted in its DNA (De Dios 2023). It is a primary objective of the EU (Article 3 TEU), implying that even if EU citizens live and work in just one Member State, they are still part of an open area without internal borders (Vavourakis, Theus, and Grimpronez 2024; De Dios 2023,174). Therefore, it can be stated that, nowadays, this situation is inevitable, unavoidable, and constantly growing.

From a more theoretical perspective, PIL is expanding its powers and competencies by complementing its public counterpart to provide effectiveness and efficacy. As mentioned in the introduction, public international law has repeatedly demonstrated its defencelessness against criticisms of being an irrelevant moralist pretension tied to states' specific interests and consent (Koskenniemi 2006). The moralist and utopian character is especially pronounced in human rights, which originated as a form of the last utopia—one that may one day come to collapse or die (Moyn 2010)—given their lack of effectiveness, enforcement, and dependence on particular interests. Before this utopia collapses or fades away, as Douzinas has brilliantly articulated (Douzinas 2000), the challenges to its viability must be addressed.

As demonstrated by *KlimaSeniorinnen* and previously *Hatton and Others v. the United Kingdom*, no. 36022/98, § 98, ECHR 2003-VIII, or *Hardy and Maile v. the United Kingdom*, no. 31965/07, §§ 187-92, 14 February 2012, the symbiotic relationship between private and public international law appears to provide a pathway for the protection of human rights in general. Just as with human rights, PIL is *pro homine* (*pro persona*) and places individuals at the core of its discipline, although in the case of the PIL, from a less moral and romantic perspective, it is more strictly legal, pure and simple.

It is noteworthy to mention that the Resolution on Human Rights and Private International Law, adopted in 2021 by the Institut de Droit International, and the Principles on Transnational Access to Justice (TRANSJUS) adopted by the Asociación Americana de Derecho Internacional Privado (ASADIP) in 2016 in the Americas, represent some of the most erudite initiatives to modernize private international law following human rights trends in a systemic manner (Oyarzábal 2023, 219). However, according to general considerations, the draft Resolution did not sufficiently capture the relationship between private international law and the public international law dimension of human rights protection, sometimes indulging in technical descriptions of private international law issues that had little or no connection to human rights. Additionally, it was observed that the consideration of human rights in that draft Resolution might appear excessively influenced by Western values rather than adopting a global perspective that would be more appropriate for an Institute's Resolution.

The Draft Resolution refers to human rights as enshrined in the UN Universal Declaration and the International Covenants, constituting the UN International Bill of Human Rights, generally accepted by all states. It aims to avoid the legal technicalities typically associated with private international law and instead focuses on principles and rights that must be universally observed. This includes, in particular, the fundamental principle of non-discrimination, the rights of access to justice and a fair hearing, and the protection of weaker and vulnerable individuals. Article 2 on the principles of the Draft Resolution enshrines the material nexus between private international law and human rights:

> (1) States and their legislative bodies, executive authorities and the judiciary, as well as international organizations, international courts and tribunals, including arbitral tribunals, and other legal entities shall respect and ensure human rights in cross-border relations between private individuals. (2) Human rights shall be respected and ensured at the stage of development, interpretation and application of private international law rules affecting the said rights. (3) Only derogations from and restrictions of human rights that are compatible with international law and with international human rights instruments binding on the forum State shall be permitted.

The draft outlines the core elements of Private International Law (PIL) and emphasizes their necessary protection under human rights charters. These elements include a person's name, the registration, and documentation of identity, marriage, parentage, adoption, the protection of persons in vulnerable situations, international child abduction, the protection of property, corporate social responsibility, and the recognition and enforcement of foreign judgments. Therefore, the foreign, cross-border, or heterogeneous elements reinforce the symbiosis within the European human rights system. Corporations have been endowed with certain due process guarantees and the right of standing before the ECtHR as a result of jurisprudence that has expanded corporate rights beyond property rights, which is the only right expressly recognized for legal persons by the ECHR (Oyarzábal 2023).

The question in this paper is how our legal faculties and law schools in the EU are responding to this factual reality. Are our legal curricula adapting to this need in the programs offered to our students, future government officials, judiciary members, and practitioners? Where is the course on private international law incorporated into our legal studies? To answer

these questions, the following section analyses the legal educational programs of various law faculties across several EU countries.

LEGAL EDUCATIONAL SYSTEMS IN FRONT OF A NEW REALITY

At my home university, Universitat Autònoma de Barcelona, the Faculty of Law offers a course in PIL as part of its Bachelor of Arts in Law program. The subject is mandatory for all students and is offered in the first semester of the final year of studies. It is essential to emphasize the need to teach PIL later in the Bachelor's program. PIL has a strong multidisciplinary character and shares commonalities with other disciplines, such as public international law, human rights, EU public law, constitutional law, civil law (including torts, contracts, extra-contractual responsibility, family law, law of wills, personhood, capacity, and personal rights), procedural law, alternative dispute resolution (ADR), criminal law, tax law, and others. Finding a legal discipline with no connection to PIL is difficult. Therefore, it is essential to pursue the study of PIL later in one's academic career to fully grasp the multidisciplinary and interdisciplinary elements it encompasses. PIL is a complex subject, and by delivering the course in the fourth year, students will have already completed many of these related topics and achieved the necessary level of maturity.

The main objectives of the PIL course are to provide students with an understanding of the issues related to international legal transactions from both procedural and substantive perspectives; to identify, in specific cases, the matters that fall under PIL; and to understand their relationship with other branches of the legal system; and to impart knowledge of the basic elements of the Spanish system of PIL, originating from both domestic law and international treaties in force in Spain, as well as EU law.

The course program is structured into 11 lessons, addressing topics from introductory and basic concepts (such as the plurality of legal systems and international private relationships, the aim, concept, and content of PIL, and its internal dimensions) to the study of international sources (including international treaties, the role of the Hague Conference on Private International Law, European Union law, and *lex mercatoria*). The course also covers international jurisdiction, regulatory techniques in the field of applicable law, issues related to the application of rules on conflict of laws, rules of conflict of laws regarding contractual and non-contractual obligations, the application of foreign law, recognition and enforcement of foreign decisions, the effects of foreign public documents, and the law governing procedure and international judicial assistance in civil matters. Despite the comprehensive program, it is classified as intermediate, as it lacks some classic topics related to the discipline, such as immigration law, international taxation law, or international criminal law, which would contribute to a broader understanding of PIL (Arenas 2023, 51).

Once the student ends the course, she has acquired as PIL primary learning outcomes to learn how to: apply an interdisciplinary and integrated vision of the legal problems in an international environment; to assess legislative changes and reforms in a context of plurality of systems; to assess the underlying conflicts of interest in the legal problems proposed in an international environment; to build a legal reasoning or discourse in the field of PIL, PIL and EU Law; to identify and assess the changes and evolution of jurisprudence in a context of plurality of systems; to integrate the importance of Law as a regulatory system of social relations, and the

contextualisation of the legal phenomenon in the international environment; to memorise and use the specific terminology of Public International Law, PIL and EU Law; to seek out, interpret and apply legal provisions related to Public Internacional law, PIL and EU Law; to use constitutional values as a criterion for interpretation and solution of conflicts, especially in case of a contradiction between the main fundamental principles of several legal systems and to work in multidisciplinary and interdisciplinary fields.

As evidenced in the previous section, these learning outcomes are indispensable for public officers and law practitioners to practice law in Spain. They justify the treatment of the PIL course as a core and mandatory component of the curriculum, which will be taught in the later stages of the BA. This fulfills one of the functions of the university system in Spain, which is to prepare students for professional activities that require the application and updating of scientific, technological, social, humanistic, cultural knowledge, and artistic creation (LOSU 2023).

Due to the new reality and the exponential increase in cross-border relations, the learning outcomes and the consideration of PIL seem necessary for the other educational programs offered by law faculties across the EU. However, surprisingly, and in contradiction to the previously suggested notion, it can be observed that the law degree programs in France, Germany, and Denmark do not assign the mandatory and central character to the discipline of PIL.

The consideration and offering of PIL courses in France differ; for example, the Université Paris 1 Panthéon-Sorbonne has offered a Master's in PIL and International Trade since the late 1970s. The Master's program lasts for two years. The primary educational goal is to promote a critical approach to the concepts of private international law and foster independent thinking throughout the Master 2 program (both research and professional tracks). The seminars serve as spaces for debate where each student learns to present their arguments and defend their ideas under the guidance of a professor who directs the main themes. Through an introduction to research, the Master's program develops critical thinking, sharpens legal reasoning, and enhances the ability to synthesize information. The culmination of this process is writing a thesis or completing an internship, accompanied by a report. However, the BA in Law, which lasts six semesters, does not include a course in PIL as either a core or mandatory subject.

Similarly, the BA in Law offered by the Université de Strasbourg in "Droit Engéneral" does not include a specialized course in PIL within its six semesters of duration. It does provide the option to pursue a Master's in PIL, which lasts for two years and requires candidates to have a BAC+3. The Master's program focuses on understanding an action, project, or strategy within the framework of relationships governed by public or private international law. Finally, the BA in Law offered by the University of Toulouse confirms that the discipline of PIL lacks autonomy, as it is not offered as a core or mandatory course. The discipline is taught later in the studies, but only as a specialization in Master's programs. This pattern is replicated by the University of Lyon III Jean Moulin, which does not offer a course on PIL in its six-semester plan but has a Master's in PIL and Comparative Law.

The education system in Germany is closer to the French than the Spanish (except for the University of Heidelberg). In this context, universities generally do not offer a specialized course in PIL to bachelor students; instead, teaching is provided in Master's programs. As is the case in France, the topics of PIL are dispersed among various common disciplines during the six semesters of the BA. For example, Humboldt University does not offer PIL as a mandatory or

elective module for this law degree. The same observation can be made when analyzing the *Stundenpläne* of the University of Freiburg, where no mandatory or autonomous course exists on PIL.

Similarly, at Goethe University in Frankfurt, PIL is not among the compulsory subjects (1st-5th semesters). The specialization subject *Internationalisierung und Europäisierung des Rechts* offers not only traditional fields such as public international law, European law, private international law, and legal comparison but also incorporates newer legal domains like international economic law, international criminal law, and the law of transnational regimes. Additionally, it strives to integrate insights from other disciplines, such as political science and economics.

The exception to this system in Germany is the University of Heidelberg; its BA in Law of 9 semesters offers a mandatory course of study on PIL (I) in the 4th semester and an elective course on PIL (II) in the 6th semester. PIL (I) introduces (PIL) and covers the core areas of this legal field, where fundamental knowledge is part of the required curriculum. The lecture addresses the basics of PIL, the PIL provisions of the Introductory Act to the Civil Code (EGBGB), and the Rome I and Rome II Regulations. The elective course PIL (II) deals with specific questions of PIL and international civil procedure in more detail than the mandatory course "Private International Law I": Its main topics are international jurisdiction, recognition and enforcement of foreign judgments, letters rogatory, international sales law, selected topics of conflicts of law. Its objective is to deepen knowledge of PIL and Civil Procedure Law. The teaching system at the University of Heidelberg resembles that of Spain, and we will see the case of Switzerland later. The exception shows no homogenous education system for PIL, even within the same state.

The elective course PIL II addresses specific questions of Private International Law (PIL) and international civil procedure in greater detail than the mandatory course "Private International Law I". Its main topics include international jurisdiction, recognition and enforcement of foreign judgments, letters rogatory, international sales law, and selected topics related to conflicts of law. The objectives of PIL II are to deepen students' knowledge in the fields of PIL and Civil Procedure Law. The teaching approach at the University of Heidelberg resembles the system taught in Spain, and we will later consider the case of Switzerland. This exception demonstrates that there is no homogeneous education system regarding PIL, even within the same state.

Lastly, concerning the Danish studies in law, the Faculty of Law at the University of Copenhagen does not include PIL as a mandatory or core course in its six-semester program. However, it is offered as an elective course, where BA students learn about PIL as a classic area of law with a distinctive conceptual framework, similar to areas such as the law of obligations and international law. The course focuses on the basic principles of PIL, including choice of law rules in matters of agreements, compensation, district court procedures, insolvency law, family law, and company law. This subject naturally extends from the courses on Family and Inheritance Law, Compensation and Contract, EU Law, International Law, Laws of Obligation, and Property and Creditor Law covered in the first two years of the Bachelor's program.

PIL is a compulsory part of the law curriculum in Odense, where it is taught as an independent subject in the fifth semester of the BA studies. The course starts with practical scenarios involving international sales transactions and the international transport of goods. Additionally, specific banking law transactions related to this area are addressed. The course

provides knowledge about how basic international sales transactions occur and their legal implications, equipping students with the skills to resolve legal conflicts within this area of law. It should be regarded as an extension of the first-year courses on Sales Law and Contract Law and a supplement to the Laws of Obligation.

CONCLUSION

The particular and, to a great extent, defining or conditioning casuistry of PIL as a discipline of study is that it has not undergone a codification process (Arenas 2019, 24). Therefore, we find that academics, practitioners, or legal operators of private international law are in a situation similar to that of jurists in the eighteenth century, in a pre-codification stage. This uniqueness has influenced how PIL is taught, resulting in a dispersed and non-homogeneous approach even within the same state. Following this rationale, France initiated a codification process of French PIL in 2018, which concluded in March 2022 with the "Projet de Code de Droit International Privé" led by a working group chaired by Jean-Pierre Ancel.

As with any codification process, this initiative aimed to "rationalize" (Weber 1905; Habermas 1992) the arrangement, simplification, and stability of law, which naturally facilitates its application. The code provides an internal consistency often lacking in statutes (Antoni Vaquer, Hector L. MacQueen, Santiago Espiau Espiau 2003, 286). The organization and systematization of French PIL norms aimed to achieve better harmony among them, facilitating the work of judges and legal scholars and avoiding the difficulties posed by a multiplicity of sometimes contradictory norms, which can place them in ambiguous situations when resolving specific cases. When attempting to codify PIL, the legislator faces the first complexity of the diversity of sources. The French project focuses on aligning with specific rules of domestic law (A) and, above all, with European Union law and international conventions (B). This leads us to what might be referred to as the project's perimeter.

What is vital for our paper is the systematization of the subjects it addresses and whether students in France, despite not having studied PIL, can be made aware of them—considering that they will inevitably have to apply the subject matter in their professional careers. In general terms, the project of the code is divided into six books, the last of which concerns transitional provisions. The first book, titled "General Norms", consists of two chapters: one related to applicable law and the second to competent jurisdiction, addressing the quintessential questions that PIL raises and answers.

The second book deals with special rules, touching upon questions of natural persons (Title I), including property and non-property matters, family law, capacity, marriages celebrated in France and abroad, the effects of such marriages, the law applicable to judicial and extrajudicial divorce, and registration in France or by a French authority, as well as registration abroad and the effects of maintenance, succession of partnerships, and biological filiation. The second title addresses the recognition of foreign companies as legal persons in France.

The code continues by regulating property rights, rights in rem, intellectual property rights, trusts, and foundations.

The third book is devoted to procedural rules, while the fourth develops norms concerning recognizing and enforcing foreign deeds and judgments. The code concludes with

compiling provisional and conservatory measures in the fifth book and transitional provisions in the sixth.

In summary, the French Code is an excellent exercise in rationalizing Private International Law (PIL) and a worthy successor to the Napoleonic codification processes and the Enlightenment period, which were successful in France and worldwide. Hopefully, the codification process will raise awareness of the need to position PIL centrally rather than peripherally, scattered among other common subjects in the French academic system.

At the European level, the proposal of this paper may align well with the initiatives of the European Education Area, which helps Member States collaborate to build a more resilient and inclusive education and training system. The strategic framework of the European Education Area was established to structure collaboration between the EU Member States and key stakeholders to achieve their collective vision. More concretely, it will enhance synergies with other relevant initiatives, including the European Research Area and the Bologna Process.

More concretely, it aims to enhance synergies with other relevant initiatives, including the European Research Area and the Bologna Process. In this context, a more comprehensive study on the topic explored in this paper may be submitted to the Learning Lab focused on investing in quality education and training, providing an evidence-informed approach to policy design, and implementing education in PIL within the EU.

On the other hand, this paper advocates for overcoming the lack of regulatory harmonization that has affected academic systems and for placing PIL in its rightful position—both in fact (which has become increasingly transcendent, as demonstrated) and by law, following the aims and goals of internationalization, and more specifically, Europeanization, as stated by the Spanish Law of the University System (LOSU 2023) and other EU and Member State norms and provisions. There is also an equity issue implied in this paper's proposal, as it is inconceivable to think of a law program where constitutional law, civil law, or public international law are optional, taught alongside other common subjects, or postponed until a master's degree.

Nowadays, the Westphalian borders are fading, particularly within the European Union, where they are progressively disappearing. The transnational reality has become a matter of fact. Private International Law (PIL) deserves to occupy a central position in our legal studies, attaining the same status as other core courses. This is reflected in its public counterpart in the Universal Decimal Classification, where public international law is assigned the number 341. Specifically, it encompasses 341.1 Law of International Organizations; 341.2 Persons and Things in International Law; 341.3 Law of War and International Legal Relations in War; 341.4 International Criminal Law; 341.6 International Arbitration and International Adjudication; 341.7 Diplomatic Law; 341.8 Consular Law. In contrast, PIL is confusingly categorized under 341.9 as a subfield of public international law rather than an independent discipline.

CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.

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Perspectives on Teaching International Law and Academic Freedom in the Shadow of Primakov's Legacy

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Abstract: *In an era marked by global deceit, the teaching of international law is more crucial than ever to safeguard the world and humanity. Following the escalation of conflicts in Ukraine and the Middle East, widespread skepticism about the relevance of international law has emerged. The primary research problem addresses how geopolitical disturbances may distort students' motivation and understanding of international law and its practical application. Geopolitical conflicts and power struggles, influenced by the legacy of Yevgeny Primakov, shape the interpretation and enforcement of international law while also threatening academic freedom. This article aims to propose a solution by advocating for a shift toward the Humboldtian educational model, utilizing a complex methodology and an interplay of variables primarily framed as socio-legal research.*

Keywords: *Teaching International Law; Students' Motivation; Primakov's Legacy; Academic Freedom; Humboldtian Educational Model*

INTRODUCTION

The war that is ongoing in Ukraine affected not only the warring parties but tectonically shifted economic and political relations on a planetary level. The economic and humanitarian crisis is already felt throughout Europe. New powers have emerged or re-emerged, including an economically strong and politically assertive China. In this new multipolar world, different countries and models of government are competing for power and influence (Scholz 2023).

On the other hand, nothing has united the world in a long time like the resolution of the General Assembly of the United Nations condemning Russian aggression and the attack on Ukraine revived the idea of European unification as a peace project conceived by Monet, Churchill, Schumann, and Adenauer. NATO's *raison d'être* also experienced resuscitation. Peace is the only correct option, but unfortunately, given the current situation, the options for peace seem exhausted, and the need to reform the global security system - is more certain. The Primakov Doctrine continues to influence Russian foreign policy, relying on imposing a multipolar world, seeking to balance US and Western influence by strengthening ties with other major powers and fostering strategic alliances and partnerships with countries in the Middle East, Asia, and Latin America. Primakov's emphasis on a pragmatic and assertive foreign policy remains a cornerstone of Russia's approach to international relations, shaping its actions and alliances on the global stage. In such contextualization, it is extremely hard to motivate students to believe in the power of international law and concepts such as cosmopolitanism and academic freedom, upon which the Humboldtian education model was envisaged almost two hundred years ago.

Many European universities have shown solidarity with Ukrainian higher education institutions. They have supported Ukrainian students and researchers through scholarships, fellowships, and grants. For example, the European University Association (EUA) has actively supported Ukrainian universities and researchers through various initiatives (Topalidou 2024). The war has disrupted academic collaborations between European and Russian universities. Many European institutions have cut ties with their Russian counterparts, affecting joint research projects, academic exchanges, and other collaborative efforts. On the other hand, such a situation shifted focus towards national security, indirectly affecting universities by reducing attention (and finances) on research and science for non-military use (Burakovsky 2024). Russian and Ukrainian researchers and scientists have faced significant challenges, including the destruction of university infrastructure, the need to relocate or change careers temporarily or permanently, and limited academic freedom and mobilization (Bujard 2021).

The Russian attack on Ukraine also violates the prohibition on aggressive use of force, a foundational principle of the post-World War II international order. Facing these alarming prospects, many are pessimistic about what the war in Ukraine may portend for the future of international law and international relations (Chachko and Linos 2022). Putin weaponized international law rhetoric when he tried to justify the invasion. The botched legal interpretation was quickly refuted by both the International Court of Justice and the European Court of Human Rights, which ordered Russia immediately to cease all military activities in Ukraine. As much as debates on restructuring the UN Security Council veto system might seem radical or even idealistic, the frequent violations of international law and legitimate use of force now magnified by the Russian invasion suggest that reliance on the standing system is just as idealistic and naïve (Šipulová 2023).

Geopolitical conflicts and power struggles arising from the shadow of Primakov's legacy influence the interpretation and enforcement of international law, undermining academic freedom. The research problem addresses the complexities and challenges of educating students about international law in an era characterized by misinformation, geopolitical tensions, and shifting global power dynamics.

LITERATURE REVIEW AND METHODS

Russian invasion in February 2022 settled a completely new scene in the context of international law and the collective security system. Its effects have been examined since the beginning due to the short period and ongoing war in Europe and the escalation of the situation in the Middle East. However, the literature on teaching international law and its effects on academic freedom of those events is very limited. The article has gone beyond the notion that no matter how those wars end, the principles of international law and civilized nations prevail. The ongoing geopolitical shifts have multiplication effects on academic freedom, university funding, and research and do not affect the same academic disciplines in the same way, rushing towards the erosion of social sciences and humanities, especially international law and international organizations, narrowing the liberal perimeter and democratic capacity.

Teaching international law involves navigating complex ethical and moral issues, especially in war, human rights abuses, and global injustice. The article's main objective was to alter the solution, reaching towards the Humboldtian educational model through complex

methodology and interplay of variables, mostly shaped as socio-legal research. Traditional international law education has often been Eurocentric, excluding non-Western perspectives and experiences, so returning to the roots of the Humboldtian legacy may help overcome those issues in the new realm. Bridging the gap between theoretical knowledge and practical application in a rapidly changing global landscape is another point leading to the Humboldtian legacy of research universities. These aspects highlight the multifaceted nature of the research problem and underscore the need for innovative and adaptive teaching methods to effectively educate students about international law in today's complex global environment. So, the research design includes a specific combination of variables that have not been brought into context so far, exploiting the research methodology of social and legal sciences, predominantly qualitative methods and secondary data, aiming to fulfill the academic gap on the effects of Primakov's legacy in academic freedom and teaching of international law.

The research is designed as an interdisciplinary socio-legal research approach that examines the structured relationship between international law and society in the given context. It goes beyond the traditional doctrinal analysis of legal texts to explore how laws are created, implemented, and experienced in real-world contexts, providing contextual analysis and critical perspective. Socio-legal research offers a comprehensive and nuanced understanding of how law interacts with society, making it a valuable tool for scholars, policymakers, and practitioners. The main hypothesis of the research is that the response to Primakov's legacy lies in the Humboldtian educational model. The second hypothesis is that enabling the Humboldtian model enriches academic freedom and *vice versa*. The third hypothesis is that teaching international law will face the need to re-evaluate the roles and responsibilities of international organizations.

RESULTS

Teaching International Law Through the Humboldtian Model

The Humboldtian model, characterized by its emphasis on interdisciplinary research, scientific exploration, and a global perspective, can offer a valuable framework for teaching international law. This approach can foster a deeper understanding of the complex issues at the heart of international law, promote critical thinking, and equip students with the skills necessary to navigate the challenges of a globalized world.

Considering the context of teaching and researching international law, the Humboldtian dilemma also aligns with the principles of Critical Legal Studies (CLS), which challenge traditional legal doctrines and emphasize the role of law in perpetuating social inequalities. There have been various discussions about whether the Russian invasion of Ukraine is the end of international law and order or just the beginning of a new and improved one.

International law is inherently interdisciplinary, drawing on insights from political science, economics, history, sociology, and other fields. The Humboldtian model encourages students to explore the connections between international law and these other disciplines, promoting a more holistic understanding of global governance. This can be done through problem-based learning, where methodology is crucial to settle a neutral environment and background, considering and melting different aspects of each side of the conflict.

Simulations and role-playing exercises can provide students with hands-on experience in international law. By participating in negotiations, arbitrations, or international court proceedings, students can develop practical skills and a better understanding of the challenges faced by international lawyers. Inviting experts from international organizations, law firms, and governments to give guest lectures can provide students with valuable insights into the practical application of international law. Field trips to international institutions can also help students develop a deeper understanding of the global legal system so that more successful examples can be shared rather than failed ones that more easily come to the news headlines. The Humboldtian model emphasizes the importance of empirical observation and case studies and promotes a global perspective; by analyzing real-world examples of international law in action, students can develop a critical understanding of the strengths and weaknesses of the legal system and its application in practice.

Humboldt's model encourages students to think critically and innovate. In international law, this is essential for addressing complex issues such as human rights, environmental protection, and global trade. The holistic nature of Humboldt's model supports an interdisciplinary approach, integrating insights from political science, economics, and sociology into the study of international law. Humboldt's idea of education fostering world citizens aligns with the goals of international law, which seeks to promote justice and cooperation on a global scale. By applying Humboldt's principles, students of international law can develop a deeper, more nuanced understanding of the field, equipping them to tackle the legal challenges of our interconnected world.

By adopting the Humboldtian model, educators can create a more engaging and effective learning environment for international law students. This approach can equip students with the knowledge, skills, and critical thinking abilities necessary to contribute to the development of a more just and equitable global legal order.

The Humboldtian dilemma lies in balancing these two approaches: maintaining the integrity of Humboldt's vision while adapting to the practical needs of today's society. Humboldt's educational model remains relevant today, especially in international law, where complex global issues require innovative and interdisciplinary solutions. Humboldt's principles help prepare students to navigate and address the challenges of the modern world by fostering critical thinking, academic freedom, and holistic development.

Addressing the Humboldtian dilemma in modern education requires a balanced approach that integrates the best educational ideals, although sometimes it is considered a resource-intensive practice. Thus, promoting academic freedom and interdisciplinary work can generate income through patents and innovations. Flexible curriculums and less rigid ways to validate and evaluate success in the academic world can bring different creativity into every field. Allocating resources to research and teaching can help balance advancing knowledge and providing high-quality education. By implementing these strategies, educational institutions can strive to balance the ideals of Humboldt's holistic education with the practical demands of the modern world.

Russia's Role in International Organizations After the Start of the War in Ukraine

The conflict has highlighted the need for more robust global governance mechanisms. There is a push for international organizations to address issues like sovereignty violations and human rights abuses. The war has accelerated shifts in global power dynamics, particularly between the West and emerging powers. This could lead to a re-evaluation of how international organizations are structured and how they operate.

Russia continues to participate in the work of the UN Security Council despite its invasion of Ukraine. As a permanent member of the Security Council, Russia holds veto power, which it has used to block resolutions condemning its actions in Ukraine. Interestingly, Russia even assumed the presidency of the UN Security Council. This move was met with significant criticism and calls for reform, but it highlights the complexities of international diplomacy and the structure of the UN. On the other hand, Russia was expressly expelled from the Council of Europe. Russia's expulsion from the Council of Europe had significant impacts on its participation in European human rights mechanisms:

1. European Convention on Human Rights (ECHR): Russia ceased to be a party to the ECHR on September 16, 2022. This means that the European Court of Human Rights (ECtHR) no longer reviews cases related to events occurring in Russia after this date.
2. European Court of Human Rights (ECtHR): The ECtHR remains competent to deal with applications against Russia concerning actions or omissions that occurred up until September 16, 2022. However, any new violations occurring after this date are no longer under the jurisdiction of the ECtHR.
3. Human Rights Monitoring and Enforcement: With its expulsion, Russia lost access to the Council of Europe's human rights monitoring and enforcement mechanisms. This includes the oversight provided by bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (Council of Europe 2024).

Overall, Russia's expulsion has significantly reduced its accountability under European human rights frameworks, limiting the avenues for Russian citizens to seek redress for human rights violations through European mechanisms. This is the first such case in the organization's history, and its effects shall be examined additionally; thus, this may have brought more burden to the citizens rather than the state of question.

At least two key questions to be resolved by international lawyers remain to be examined- how to make the UN Security Council more effective in the future, since although there are ongoing debates for reform of the system of collective security with decades, a more effective system has not been proposed, as well as what happens whit Russian membership in the Council of Europe after the war ends.

Russia remains a member of the Organization for Security and Cooperation in Europe (OSCE) and has faced several functional challenges.

Humboldtian Legacy as a Response to Rebuilding Europe

Besides the war in Ukraine and direct threats to academic freedom and action in both countries, the rise of nationalist and populist movements has led to increased intolerance of dissenting views, particularly those that challenge dominant narratives about national identity or history. The increasing influence of corporations on higher education potentially prioritizes research aligned with corporate interests and, in the given context, the weaponization of science. To protect academic freedom, it is essential to promote open dialogue, defend academic institutions from political interference, and ensure that universities have the resources and autonomy to pursue their core mission of knowledge creation and dissemination (Adelake 2023). For example, the Central European University (CEU) was forced to close its main campus in Budapest due to a series of actions taken by the Hungarian government under Viktor Orbán in 2017 due to legislative changes (Gőbl 2018).

The Humboldtian legacy offers a compelling framework for Europe's post-pandemic and post-conflict reconstruction. Humboldt's emphasis on interdisciplinary research, scientific exploration, and interrelation can provide valuable insights for addressing the continent's complex challenges today. Humboldt's belief in the interconnectedness of all knowledge domains is essential for tackling complex problems like climate change, biodiversity loss, and economic inequality. Most of all, facing the rise of the far right in the era of disinformation, Humboldt's cosmopolitan outlook and his recognition of the interconnectedness of different cultures and ecosystems can inspire Europe to embrace a more global perspective and to play a leading role in international cooperation.

However, it will take more time to see the results. For now, research and development can be done on the future of international organizations, possibilities of independent funding and functioning, and more effective coercive mechanisms of international law through solidarity since economic sanctions make people suffer more than their governments.

Humboldt's emphasis on the importance of education and research can inform Europe's efforts to rebuild its universities and research institutions. By investing in quality education and fostering a culture of innovation, Europe can position itself as a global leader in knowledge production and economic development, as well as an arena for post-conflict reconstruction and reconciliation. Humboldt's appreciation for cultural diversity and recognition of the importance of preserving historical heritage can inspire Europe to protect and promote its cultural assets - the same doctrine preached by different institutions, especially in times of deceit and crisis. Culture and cultural heritage must be supported as key assets for the future of the European project, especially as a vector for fostering a sense of belonging and a sense of togetherness in Europe, as well as for advancing Europe's shared values and identity (European Movement 2024). By investing in the restoration of historical sites and supporting cultural initiatives, as well as digitalization, there is at least some part of what can be saved from the war zones. By promoting scientific exchange and cultural diplomacy, Europe can build bridges with other regions and contribute to global peace and prosperity.

The Humboldtian legacy provides a valuable framework for rebuilding Europe after the pandemic and other challenges, emphasizing interdisciplinarity, scientific inquiry, and a global perspective to tackle pressing issues and promote a sustainable and equitable future.

DISCUSSIONS

Primakov's Legacy

As Russia's Foreign Minister and later Prime Minister, Primakov played a crucial role in shifting Russia's foreign policy from a pro-Western stance towards a more independent and assertive approach. This included forming strategic partnerships with countries like China and India to counterbalance Western influence. The Primakov doctrine posits that a unipolar world dominated by a single power is unacceptable to Russia. This doctrine has continued to influence Russian foreign policy, promoting the idea that Russia should work to prevent any one country from achieving global hegemony. Relations between East and West have not been normal for a long time, at least since the annexation of Crimea, and are unlikely to stabilize. Russian foreign policy increasingly reflects the Primakov doctrine, which believes that a unipolar world dominated by the United States is not bad for Russia, and offers the following principles for Russian foreign policy:

1. Russia should aspire to a multipolar world governed by a conglomerate of great powers that can counter the unilateral power of the United States.
2. Russia should insist on its primacy in the post-Soviet space and lead integration in that region.
3. Russia should oppose NATO expansion (Rumer 2019).

Russia did not enter this war to lose it. However, it did not expect such resistance from the Ukrainian side and the international community, so the worst scenario would be that the truce would arrive only after the absolute exhaustion of all parties concerned.

The Humboldtian Dilemma

The Humboldtian dilemma denotes the tension between two educational ideals: the holistic, research-oriented model of higher education proposed by Wilhelm von Humboldt and the more market-driven, vocational approach many modern universities have adopted. Humboldt's vision for higher education emphasized a holistic approach that combined research and teaching, academic freedom, and the development of well-rounded individuals (Bongaerts 2022). This dilemma highlights the challenge of balancing the pursuit of comprehensive, liberal education with the practical needs of contemporary society. Humboldt alleged that current research should inform teaching and be unbiased and independent from ideological, economic, political, or religious influences (Youvan 2024).

The Humboldtian model strives for unconditional academic freedom in the intellectual investigation of the world, both for teachers and students[1]. Humboldt was inspired to propose a new university model because he believed in the transformative power of education and the need for a system that fostered personal and intellectual growth. He believed education should

[1] See: Hilpold, Peter, Teaching International Law in the 21th Century – Opening up the Hidden Room in the Palace of International Law (April 11, 2022). Available at SSRN: https://ssrn.com/abstract=4081412 or http://dx.doi.org/10.2139/ssrn.4081412

impart knowledge and develop the individual's character and critical thinking skills. He envisioned universities as places where students could grow intellectually and morally. Humboldt championed the idea of academic freedom, unity of all knowledge, and the importance of interdisciplinary studies. Humboldt's model encouraged the exploration of various fields and the connections between them. His vision led to the establishment of the University of Berlin in 1810, which became a model for modern research universities worldwide. His ideas continue to influence higher education systems today. The model promotes student-centered learning, where students actively participate in their education. This involves self-directed learning, critical thinking, and active participation in research projects[2].

Humboldt instituted reforms at the research university in Berlin (that nowadays bears his name) in 1818 that centered on the twin concepts of Lernfreiheit and Lehrfreiheit. Lernfreiheit pertained to the freedom of students to study what they wished and to control their private lives and – more generally – to the absence of administrative restraints in the learning situation (Vrielink et al. 2023).

Humboldt's educational ideal developed around two central concepts of public education: The concept of the autonomous individual and the concept of world citizenship. The university should be where autonomous individuals and World Citizens are produced or, more specifically, produce themselves. Those ideas are the milestones of the so-called "Bildung" theory, which many scholars have further examined. For example, Habermas has emphasized Bildung's importance in fostering democratic opinion and will formation[3]. He views Bildung as essential for developing autonomous individuals capable of participating in democratic processes and contributing to civil society. In Scandinavia, Humboldt's ideas have influenced the folk Bildung movement, which focuses on lifelong learning and the development of democratic citizenship. This approach integrates Humboldt's holistic vision with practical, community-based education (Sjöström and Eilks 2020).

Humboldt's model emphasized the importance of higher education for personal and intellectual development. However, university access was largely limited to the upper and middle classes during his time. By promoting academic freedom and the pursuit of knowledge, Humboldt's model supported the idea of meritocracy, where individuals could advance based on their intellectual abilities and achievements rather than their social background. Over time, the Humboldtian model contributed to greater social mobility by providing opportunities for individuals from various backgrounds to pursue higher education and improve their social standing. As universities began to open their doors to a broader range of students, education became a pathway to upward mobility. Humboldt's emphasis on a holistic education that included the humanities and sciences helped to cultivate cultural capital among students.

[2]See: Youvan, Douglas. 2024. Wilhelm von Humboldt's Educational Reforms: Foundations of the Modern Research University. 10.13140/RG.2.2.22442.43203.

[3]See: Sørensen, A. 2020. Bildung as Democratic Opinion and Will Formation. Habermas Beyond Habermas. In: Strand, T. (eds) Rethinking Ethical-Political Education. Contemporary Philosophies and Theories in Education, vol 16. Springer, Cham. https://doi.org/10.1007/978-3-030-49524-4_9

The Importance of Academic Freedom as Part of the Humboldtian Legacy in the EU

The unfinished, adaptive, and exploratory nature of academic freedom chimes with what Wilhelm von Humboldt believed to be the fundamental value of scientific research to progressive societies (Daston 2020).

While academic freedom is widely acknowledged as a fundamental right, its precise meaning can vary in different contexts, often depending on its specific challenges. These challenges may have political, economic, socio-cultural, financial, and institutional dimensions. They can take different forms over time and across geographical and cultural contexts. They can also change how they manifest at individual, group, institutional, and (inter)national levels (Belaud 2023).

Although included in the EU Charter of Fundamental Rights (CFR), academic and scientific freedom was hardly a focus for the EU for years. On January 17, 2024, the EP approved the report, calling the Commission to initiate a legislative proposal to promote the freedom of scientific research in the EU and provide recommendations on its content (Kosta and Ceran 2024).

It is recommended that the proposal should shape the definition of the freedom of scientific research in line with the Bonn Declaration, which stances for openness, exchange, excellence, internationalism, diversity, equality, integrity, curiosity, responsibility, and reflexivity and that it is, therefore, a pillar of any democracy. The freedom of scientific research entails the right for individual researchers to freely define research questions, choose and develop theories, gather empirical material, employ sound scientific research methods, maintain scientific integrity, challenge conventional wisdom, publish and communicate freely, and propose new ideas and theories as well as disseminate them freely (European Parliament 2024).

The European Commission is working on a mechanism to monitor research freedom within the European Research Area. The Commission also plans to create a digital platform that was supposed to be launched from mid-2024 onwards to serve as a "one-stop shop" for information empowering researchers and institutions to counter foreign interference. The European Parliament launched the EP Academic Freedom Monitor in 2022. This annual report assesses the state of academic freedom across EU member states, identifying challenges and proposing policy options to strengthen protections (Fay 2023).

Contemporary Challenges to Academic Freedom and Geopolitical Concerns

Internally, more or less, all European countries face different challenges in dealing with social polarization, disinformation, or lack of trust in science after the Covid-19 pandemic and the defrosted frozen conflicts around the globe.

In France, there have been debates over the concept of "Islamo-leftism" in universities, with government officials calling for investigations into academic disciplines they believe promote radical ideologies (Marlière 2023). This has sparked concerns about political interference and the potential stifling of academic discourse. In the UK, although no longer part of the EU, the introduction of the Higher Education (Freedom of Speech) Bill has sparked debate. While it aims to protect free speech in universities, critics argue it could lead to increased government oversight and potentially limit academic freedom. Some worry that the

bill could lead to increased government oversight of university activities, potentially interfering with academic autonomy and the freedom of professors and students to express their views without fear of reprisal. Critics argue that the bill might inadvertently limit academic freedom by restricting what can be taught or discussed in university settings (UK Parliament 2021). This could stifle critical thinking and debate on important issues. There are concerns that governments or individuals could use the bill to silence dissenting voices or promote particular ideologies. This could have a chilling effect on academic discourse and is a notorious example of narrowing the liberal perimeter.

As one case in point, in October 2020, education minister Przemysław Czarnek criticized universities that canceled classes to allow students to join protests against Poland's ban on abortions. Czarnek pointed to his authority to distribute grant funding and said he would consider universities' actions (Ciobanu 2020).

Geopolitically speaking, academia is equally vulnerable to the new dynamic in international relations. Funding received from governments with divergent political interests and global players, often through government-backed programs or private companies, can create financial dependencies for European universities far beyond diversified sensitivity toward specific questions of public interest, especially in social sciences and disciplines. This can lead to pressure to align research topics or findings with foreign government interests. There are also concerns that some recruitment programs may involve the transfer of sensitive intellectual property or proprietary information. Researchers may feel pressure to avoid topics that could be seen as critical, leading to the narrowing of academic discourse. Technology and surveillance capabilities could be used to monitor the activities of scholars and students, potentially infringing on their privacy and academic freedom (Fulda and Missal 2021). Still, the Gerasimov doctrine, as a successor of Primakov's doctrine, is a concept that refers to hybrid threats primarily as operations to achieve influence through informational, cultural, humanitarian, diplomatic, and economic activities. On the other hand, Universities in the Gulf are increasingly attracting scholars and staff from across the Arab region and beyond while raising concerns about academic freedom.

Future Research

The Humboldtian educational model, which emphasizes integrating research and teaching, academic freedom, and the holistic development of students, could play a significant role in post-war educational reforms in Ukraine and worldwide. Investigating how the Humboldtian model can guide the rebuilding of universities and schools, ensuring they become centers of learning and research. Exploring the implementation of academic freedom in a post-conflict society, ensuring that institutions can operate independently and foster critical thinking can support reintegration and overcoming trauma for students, researchers, and society. On the Russian side of the story, it will support the society through the transition toward democracy. Assessing how the model's focus on students' holistic development can address the war's psychological and social impacts. Examining opportunities for international partnerships and exchanges that align with the Humboldtian principles, helping to integrate Ukrainian and Russian scientific institutions into the global academic community. It will also provide a way for settling common ground of applicable international law and its interpretation in given

circumstances, ensuring that breaches will be examined in the light of assessment and the possibility of building a resilient and more effective international ecosystem. Developing curricula incorporating local and global perspectives means promoting a well-rounded education that prepares students and academia for the challenges of a post-war society. Integrating the Humboldtian model in teaching international law could provide a robust framework for rebuilding and enhancing the educational landscape in Ukraine and other post-conflict regions.

CONCLUSION

The Humboldtian model of higher education, characterized by academic freedom, research-based learning, and a focus on the unity of teaching and research, has been a cornerstone of European higher education, and it should remain so, no matter what the war on European land poses the challenges. The Humboldtian model's emphasis on research can ensure that students are exposed to the latest developments and critical thinking. In times of global deceit, it is the only way it can work, or at least should be given a chance. The freedom to explore diverse perspectives and challenge existing norms is essential for understanding the complexities of international law. On the other hand, the Humboldtian model's emphasis on academic freedom can foster a critical and independent approach, no matter how much the liberal perimeter varies.

While theoretical knowledge is important, international law also requires practical skills such as negotiation, advocacy, and dispute resolution, which might not work for a long time-before they eventually do. However, it is the only way a world of sovereign nations can survive before a total Kaos collapses; either way, fragile democracies are under threat.

These elements are crucial for fostering critical thinking and a deep understanding of international law. Combining these elements makes it possible to create a more comprehensive and effective approach to teaching international law that prepares students for a globalized world. This approach would equip students with the theoretical knowledge, practical skills, and cultural awareness necessary to succeed. Emphasizing Humboldtian legacy is probably the only way to get out of the bottomless well and focus on the renewal, though peace still seems to remain far.

Adapting the Humboldtian model to contemporary challenges in legal education involves integrating its core principles with modern educational needs and global realities. One way to do that is through incorporating interdisciplinary studies into the legal curriculum to address complex global issues that intersect with law, such as climate change, technology, and human rights. The second step would be to develop joint programs and courses with other departments and institutions across the borders, especially from conflict areas.

Expanding the curriculum to include diverse legal traditions and perspectives, reflecting the global nature of contemporary legal issues, and offering courses on comparative law, international law, and non-Western legal systems is recommended.

The fusion of science, education, and research may also positively impact job creation and support young researchers toward earning academic titles. Integrating technology into the classroom may lower educational costs and provide an international community and network. Encouraging community engagement and public service as part of the legal education

experience through establishing legal clinics, *pro bono* programs, and partnerships with local organizations is also a valuable tool.

By integrating these strategies, the Humboldtian model can be revitalized to meet the demands of contemporary legal education while preserving its core values of academic freedom, research, and holistic learning.

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Human Rights in the Age of AI: Understanding the Risks, Ethical Dilemmas, and the Role of Education in Mitigating Threats

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Abstract: *Artificial Intelligence (AI) is rapidly becoming part of our everyday lives and is, undoubtedly, transforming the world as we know it. While offering significant advancements across various sectors, this rapid development raises many concerns about human rights. Having recognized these concerns, this paper examined how AI technologies can infringe upon privacy, perpetuate bias, and disrupt the principles of intellectual property. Using qualitative research methods, including a systematic review of existing literature and policy analyses, the study discussed the major challenges such as algorithmic discrimination, misuse of personal data, and harmful content creation. Special attention was given to the role of education in mitigating these risks, as education and educators are a powerful force for addressing the ethical dilemmas of using AI now.*

Keywords: *Algorithmic Discrimination; Privacy; Ethical Dilemmas; Policy Analyses; AI Technologies; Human Rights; Algorithmic Bias*

INTRODUCTION

Artificial Intelligence (AI) has presented the world with unprecedented opportunities and risks. While this technology has the potential to revolutionize entire industries, boost productivity, and solve many societal problems, its use also raises many ethical concerns that extend to human rights. Scholars and policymakers are increasingly alarmed by AI's potential to infringe upon fundamental human rights, such as privacy and non-discrimination (Temperman and Quintavalla 2023). These concerns are mostly due to the vagueness surrounding AI algorithms, which often operate as "black boxes". This makes it hard to understand how decisions are made and who is responsible for them (Pasquale 2015).

One of the most noteworthy issues is using AI for mass surveillance and how this can hurt privacy rights. For instance, China's use of facial recognition technology for surveillance and social credit systems has raised alarms about state overreach and the erosion of civil liberties (Mozur 2018). Algorithmic bias poses another issue. AI systems often perpetuate or even exacerbate existing social inequalities, posing a serious threat to the right to non-discrimination. Studies have shown that AI systems used in hiring, policing, and lending often reflect and amplify societal biases, leading to unjust outcomes (O'Neil 2016). The lack of transparency in AI decision-making processes further complicates the issue and raises important ethical dilemmas related to accountability (Zuboff 2019).

Other concerns and potential risks are also discussed among scholars. Though many disagree on how AI could potentially harm humans and human rights, most seem to agree that

governments need to implement rigorous frameworks to protect citizens and overcome the challenges posed by this technology.

AI and Human Rights: Introductory Notions

The research interest in studying AI and its influence in different areas has grown exponentially in the past 2 years after ChatGPT was introduced. Most researchers agree that AI and its increased use present opportunities and challenges for many things, including human rights. While AI can improve healthcare, expand financial access, and enhance efficiency (Raso et al. 2018), it raises concerns about privacy, discrimination, and bias (Raso et al. 2018; Kriebitz and Lütge 2020). The impact of AI on human rights spans different areas like work, autonomy, and societal participation (Risse 2018). As AI technology advances, it may lead to long-term challenges, such as coexistence with intellectually superior machines (Risse 2018). The increasing presence of AI in daily life, from navigation systems to personalized advertising, further shows that we need to find the right balance between technological progress and human rights protection (Nicolau 2021). To address these issues, researchers suggest using human rights law as a framework for evaluating and mitigating AI's societal impacts (Raso et al. 2018). Additionally, there is a growing emphasis on corporate responsibility in developing and implementing AI systems that respect human rights (Kriebitz and Lütge 2020).

In the Balkan context, the influence of AI on Human rights has not been extensively researched, though some efforts have been made to introduce an AI ethical framework in Serbia (RS.gov 2023). Another area that lacks attention is how education can mitigate the challenges AI can pose to AI – a gap that this paper tries to address.

METHODOLOGY

To identify and discuss the most prominent risks, ethical dilemmas, and potential threats associated with AI, this paper employs a qualitative research methodology (Janusheva 2022) focusing on a comprehensive literature review and critical analysis of existing academic and policy-oriented studies on AI, ethical dilemmas, challenges, and human rights. The study aimed to highlight the threats that AI models and their output can pose to human rights and was guided by the research questions:

1. How do current AI technologies impact human rights and ethical standards?
2. What guidelines and frameworks can be implemented to address the human rights challenges associated with using AI?
3. How can education and educators help mitigate AI's risks and ethical dilemmas?

The primary sources for this research include peer-reviewed journals, books, policy reports, and articles from reputable organizations. The inductive-interpretative methods of Kahlke (2014) and Harding and Whitehead (2016) were used to interpret and systematize the findings. By synthesizing insights from various sources, this paper aims to provide a more comprehensive understanding of the ethical and human rights challenges associated with the increasing (mis)use of AI in recent years, the foreseeable future, and how education can help address these challenges.

SYSTEMATIC LITERATURE OVERVIEW

As AI advances, a range of significant challenges that must be addressed becomes more prominent. These challenges include addressing bias within AI models and AI-generated content, protecting personal privacy, and managing complex copyright issues that can arise.

AI Bias, Stereotypes, and Discrimination

One of the most significant issues with AI models (and Generative AI models, in particular) is algorithmic bias. Algorithmic bias refers to systematic and repeatable errors in a computer system that create unfair outcomes, such as privileging one group over others or perpetuating existing social stereotypes (Friedman and Nissenbaum 1996). This bias stems from the prejudices inherent in the texts and images used to train the model. The training corpus, particularly the text corpus, is vast and inevitably contains cultural, societal, and historical biases in human societies worldwide.

A large body of research confirms this, demonstrating that models like GPT-3 and similar AI systems can generate texts reflecting racial, gender, and other forms of bias (Bender et al. 2021). This can harm fundamental human rights and exacerbate societal stereotypes and discrimination as AI becomes increasingly present in our daily lives.

One notable example is the case of Amazon, detailed by Kaplan (2024). Amazon has used computer algorithms, and later AI, in the recruitment process since 2014. The AI they used analyzed applicants' resumes and selected the best, most promising candidates. This, of course, seemed incredibly useful and revolutionary at first glance. However, a huge, noteworthy problem soon emerged: the algorithm demonstrated bias, favoring male candidates over female ones for open positions. Experts attribute this bias in Amazon's algorithm to the training data it received—data predominantly consisting of resumes and job applications from men.

According to Chapman University (n.d.), this bias can occur in one or more of these stages:

- Data Collection: Biased training data will lead to biased model outputs.
- Data Labeling: Annotator interpretations can introduce bias.
- Model Training: Unbalanced data or inadequate architecture may cause bias.
- Deployment: Lack of diverse testing and monitoring can perpetuate bias.

Each stage poses a significant challenge, particularly when considering the scale and complexity of AI training data. Bias at any stage of the process mirrors the daily inequities in human societies, further showing the imminent need for deliberate intervention to address these issues.

Every stage helps us understand how biases manifest and persist in AI systems. For instance, data collection directly relates to the societal inequalities inadvertently encoded into AI systems. As in the Amazon case, a model trained on historical hiring data will likely reflect past discriminatory practices unless specifically designed to counteract them. Similarly, bias in data labeling shows how individual subjectivity can introduce further inequities, as annotators may unconsciously rely on their cultural or personal biases while categorizing data.

Regarding model training, the imbalance in datasets results in skewed learning, where the AI fails to generalize appropriately across diverse populations. Finally, at the deployment stage, the absence of rigorous testing with a wide range of real-world scenarios can mean that AI systems reinforce biases in different contexts.

Regardless of the stage, the consequences of unchecked algorithmic bias are far-reaching. They can range from perpetuating stereotypes to outright discrimination in areas like hiring (as shown above), lending, law enforcement, and access to public services. To address them, we need a collectivist mindset and a holistic approach. New technology must be inventive and inclusive—crucial aspects for developing and using unbiased, equitable AI (Musiol 2024).

Privacy Concerns

Misusing personal data is another significant issue associated with AI models and the potential risks they pose to human rights. These models can generate content containing personal data in the training corpus, violating the privacy of individuals whose information was included. For instance, research by Carlini et al. (2021) shows that texts generated by models like GPT-2 can contain publicly available personal data such as names, email addresses, and phone numbers.

Similarly, Damani and Engler (2024) pose another important question: "What if a lawyer uploads an entire contract, along with all the client's data, and instructs the AI model to revise it?". In such a scenario, the model could acquire personal data, which might later be used to train further and enhance its output. However, what does this mean for the person's guaranteed right to privacy?

These risks are the reason why companies like OpenAI advise against entering personal data on their platforms. They state that any content users provide while interacting with their models may be used for further training. They even explicitly state: "When you use our services for individuals such as ChatGPT, we may use your content to train our models". Additionally, they acknowledge having access to user conversations to ensure compliance with their policy guidelines and usage rules: "As part of our commitment to safe and responsible AI, we review conversations to improve our systems and to ensure the content complies with our policies and safety requirements". This shows why users must exercise caution when using AI models to prevent the misuse of their personal data and protect their right to privacy.

Ethical Dilemmas and Copyright Issues

The use of AI in creating and disseminating content raises numerous ethical and legal concerns, especially regarding copyright infringement and the misuse of personal data. Central to these issues is how training data for AI models is sourced and used. Many models rely on vast datasets that often include copyrighted materials, such as books, artwork, and music. This raises serious concerns about consent and fair use, as these copyrighted materials are frequently used in training without explicit permission from their creators (Hristov 2017). Legal disputes over copyright infringement have already surfaced, as AI-generated content sometimes resembles too much or replicates someone's original works. This, of course, challenges the boundaries of intellectual property law.

The issue of authorship is another critical point that needs to be discussed. Determining who holds copyright over AI-generated content remains unresolved in many jurisdictions. Current European Union (EU) legislation offers one approach: under EU law, only works created by humans are eligible for copyright protection. This excludes content produced solely by AI, as it lacks the human authorship needed. Musiol (2024) notes that this aligns with the EU's emphasis on human creativity as the cornerstone of intellectual property rights.

In contrast, the United Kingdom takes a different stance: They recognize AI as a tool in the creative process. If a human integrates their creative input into a work generated by AI, the human shall retain the copyright. This approach seems to follow the doctrine that human agency (and, by extension, creativity) is the key element defining ownership (Musiol 2024, 289).

In countries like North Macedonia, as of August 2024, no legal framework remains to determine the ownership of AI-generated content. This absence of regulation creates uncertainty for creators and developers, potentially leading to disputes and inconsistent enforcement. The lack of clear policies also challenges multinational companies working across jurisdictions with differing legal standards. In this vacuum, or legislation gap, private entities, such as tech companies, can develop internal policies. However, it is important to note that their policies can vary widely and may prioritize corporate interests over those of creators.

The legal dilemmas mentioned above also extend into ethical domains, raising concerns about fundamental human rights. AI's reliance on massive datasets, including personal information, has sparked debates about privacy violations, as the right to privacy, protected by the Universal Declaration of Human Rights, is at risk when personal data is used without consent to train AI models. In addition, questions of equity also emerge when considering who benefits from AI-driven innovation (OECD 2024). Large corporations, often based in wealthier countries, disproportionately reap the financial rewards, while individual creators or communities that contribute to the datasets may receive little to no recognition or compensation. This imbalance has led to calls for ethical guidelines and frameworks that address these issues.

Generating "Prohibited" Content

AI models are designed not only to learn what kind of content to generate but also what kind of content NOT to generate, especially if this content can cause some form of harm. Thus, these models are trained to avoid generating censored/prohibited content. For example, when prompted with a question on prohibited content, ChatGPT itself explicitly answers that it must not generate:

- Harmful or Dangerous Content: This includes anything promoting violence, illegal activities, or self-harm.
- Hate Speech or Discriminatory Content: Content that is hateful, discriminatory, or offensive based on race, ethnicity, nationality, religion, gender, sexual orientation, disability, etc.
- Explicit Content: Including pornographic or offensive material.
- Misinformation or Disinformation: Content that spreads fake news, unverified claims, or conspiracy theories.
- Content Promoting Illegal Activities: Hacking, piracy, or drug use.
- Content Violating Privacy: Material that infringes on someone's privacy or personal data.

- Medical, Legal, or Financial Advice.
- Sensitive Topics: Mental health or crisis situations (ChatGPT 2024).

At a glance, these guidelines seem sufficient. However, users have discovered many ways to bypass these restrictions and "trick" the model. Andriushchenko and Flammarion (2024) noted that one such method is to reformulate a command from present to past tense. According to their research, many models, including ChatGPT 3.5, 4, and 4o, will not respond to direct questions like "How to make a Molotov cocktail?" However, they might respond to a rephrased version in the past tense, such as "How were Molotov cocktails created in the past?" (Andriushchenko and Flammarion 2024, 15). This shows how easy it is to trick models into producing content that could potentially harm human rights.

Fundamental Rights That Can Potentially Be Violated

The development and (mis)use of AI technologies bring about many challenges to fundamental human rights. The key human rights under threat include:

- Right to Privacy: The use of AI in data processing and using user data for training significantly endangers individuals' right to privacy.
- Right to Non-Discrimination: AI models can inadvertently perpetuate the biases in their training data. This, in turn, can lead to discriminatory practices in different areas, such as hiring, policing, and lending (O'Neil 2016). These biases can reinforce the already-existing societal inequalities, thus violating the right to non-discrimination.
- Right to Freedom of Expression: The algorithms used by AI companies that filter harmful or prohibited content may overreach, suppressing legitimate expression and debate.
- Intellectual Property Rights: AI models are trained on copyrighted material. Because of this, they can replicate or produce content that closely resembles the original works in the corpus, thus creating copyright disputes (Hristov 2017).
- Right to Security: The misuse of AI in generating prohibited content, such as hate speech, violence-promoting narratives, or misinformation/disinformation, harms both individual and collective security because, as Andriushchenko and Flammarion (2024) note, despite content restrictions, AI models can be manipulated to produce harmful or violent content.

As one can see, the increased use of AI introduces risks to many fundamental rights, further emphasizing the need for regulations, transparency, and efforts through education to mitigate these challenges.

Recommendations and Ethical Frameworks

AI's challenges can only be addressed with joint efforts from governments, technology companies, and international bodies. Leite et al. (2023) state that a full "legal evolution" is needed! Governing bodies seem to understand the gravity of the issue and have luckily started implementing some frameworks.

The European Union's AI Act is one example of structured governance that balances innovation with safety and accountability (European Commission 2023). However, ethics should be considered even in the development stage. For instance, developers can enforce algorithmic auditing, model explainability, and fairness checks to prevent biases. Furthermore, data protection laws, like the GDPR, should be re-evaluated to include AI-brought privacy risks (Damani and Engler 2024). Promoting transparency is and will continue to be essential, as well. In this regard, AI models should strive for full transparency and disclose their systems' limitations and risks, publishing methodologies and data sources.

THE ROLE OF EDUCATION AND EDUCATORS

Research shows that AI can indeed endanger some fundamental human rights, yet there is one powerful way to address the dangers brought about by AI: education. Education plays a crucial role in mitigating AI-related human rights risks. Educators on all levels and educational institutions have the perfect opportunity to help raise ethical awareness among future developers, policymakers, and students as AI users. They have the unique power to address the AI-brought challenges, serving as transmitters of knowledge and facilitators of ethical awareness, critical thinking, and digital and media literacy.

Integrating AI Ethics into the Curriculum

Integrating AI use and ethics into educational curricula at both secondary and post-secondary levels is one step that can prepare students to use AI more responsibly. This can be implemented in various institutions and different fields. For instance, political science, law, and computer science courses can address algorithmic bias, data privacy, and broader human rights implications. Floridi and Taddeo (2016) emphasize that this approach can help cultivate an ethical mindset that may result in greater accountability among future developers, policymakers, and informed citizens. Lessons in digital literacy, particularly those focusing on evaluating AI-generated content and identifying misinformation, can further empower students to critically assess AI's societal impact and make informed decisions when participating in elections (Shalevska 2024). Beyond teaching ethical AI use, curricula must also adapt to emphasize problem-solving, creativity, and collaboration—essential skills in an AI-driven world.

The Evolving Role of Educators in the Digital Age

As AI technologies continue to evolve, educators themselves must also evolve and embrace the role of someone who will facilitate critical thinking and informed digital citizenship. As AI becomes a more pervasive tool in classrooms, teachers need training in AI literacy to effectively guide students. A recent study in Morocco found that over 97% of higher education professors and lecturers felt they needed more training to do with AI use (Moukhliss et al. 2024).

So, how can this be addressed? Institutions can implement professional development programs that could focus on equipping educators with the skills to, first and foremost, use AI tools and then, of course, identify ethical dilemmas in AI use, evaluate algorithmic outputs critically, and promote discussions around fairness, transparency, and accountability in AI

systems. Thus, trained appropriately in their expanded roles, educators can teach students how to balance the benefits of AI with its risks. They can open discussions about ethical concerns related to privacy, surveillance, and the societal impacts of algorithmic decision-making. Moreover, educators on all levels can encourage students to question biases embedded in AI systems to help fight biased stereotypes and discrimination.

Educators as Agents of Social Change

Education has long been a vehicle for promoting social change, and integrating AI ethics into teaching offers opportunities to address pressing social issues. For instance, educators can use AI-related case studies to show their students the potential inequities that may arise from the increased use of AI inequalities, such as racial or gender biases in facial recognition systems (Buolamwini and Gebru 2018).

This landmark study highlighted the biases in facial recognition systems and discovered significant disparities in the performance of AI systems across gender and skin tone, particularly affecting darker-skinned women, for whom error rates reached up to 46.8% in some cases. Buolamwini and Gebru's findings, even before the ChatGPT era, raised concerns about the representation in the datasets and ethical AI practices.

Despite these issues, one can argue that educators can harness AI as a lens for teaching diversity, inclusion, and cross-cultural understanding. For example, students might analyze how biased AI systems can exacerbate social divisions and explore strategies for designing technology that promotes fairness and inclusion.

COMBATING DISINFORMATION AND IMPROVING STUDENTS' CRITICAL THINKING SKILLS

In an era of pervasive misinformation, educators have an important role in building resilience against disinformation and propaganda. Students engage with media daily – media filled with AI-generated deepfakes and synthetic content. This results in significant challenges to truth and trust in information found online, as students and adults struggle to understand what is real.

These challenges are amplified in the context of fake news, which spreads rapidly across different digital platforms students use daily. A 2018 study by Vosoughi, Roy, and Aral revealed that false news stories are 70% more likely to be retweeted than true stories, primarily due to their novelty and emotional appeal. This rapid dissemination of misinformation profoundly impacts public opinion and trust in information sources, particularly politically or socially sensitive contexts. AI-driven tools can now amplify the creation and distribution of fake news, generating realistic but entirely fabricated text, images, or videos that appear authentic. One way to combat this is through education. Educators can empower students to distinguish between credible information and misleading or manipulated content by teaching media literacy and encouraging critical analysis of information sources.

For instance, MIT has successfully implemented a course – Media Literacy in the Age of Deepfakes – that introduces students to deepfake examples, such as the "In Event of Moon

Disaster" project (with the full deepfake speech available at https://moondisaster.org). The course aims to enhance students' ability to critically analyze synthetic media (Koperniak 2022).

The deepfake in question – "In Event of Moon Disaster", is a short documentary that uses deepfake technology to create an alternative history scenario. It features a fictional speech by then-US President Richard Nixon about the Apollo 11 Moon landing in 1969. The film is directed by Francesca Panetta and Halsey Burgund and was produced by the Massachusetts Institute of Technology Center for Advanced Virtuality. This deepfake is now one of the most famous examples of what technology can do, and it best shows why students need tools to discern the authenticity of multimedia content – a key skill in today's digital landscape.

Combatting issues such as fake news and deepfakes is important everywhere, but even more so in regions affected by political manipulation or media distortion. The Freedom House report (2024) states that in at least 25 countries, censorship and content manipulation were used to influence elections, hindering voters from making informed choices, fully engaging in the electoral process, and having their voices heard, all while the global internet freedom continuously declines14 years in a row. These numbers are worrisome, especially as AI-generated content becomes more prevalent and sophisticated.

Media literacy education, as part of the overall educational curriculum, can, of course, help. However, educators are the ones who will need to foster the discussion on these growing issues and help students critically evaluate the media content they come across.

Challenges and Opportunities in the 21st Century Classroom

As AI-powered platforms like ChatGPT and similar content generators become widespread, educators must address issues surrounding cheating, academic dishonesty, and copyright infringement, all while continuously showing why it is important for students to be transparent and ethical in their conduct.

AI tools can facilitate academic dishonesty by enabling students to generate essays, solve complex problems, or create code without genuine understanding or effort. For instance, AI-powered text generators can produce well-written assignments that may bypass conventional plagiarism detection software. A recent survey by NeJame et al. (2024) found that over 50% of students would continue to use AI tools to cheat, even if their instructors explicitly forbade it. Similar results were obtained by Shalevska and Kostadinovska-Stojchevska (2024), who found that a significant portion of their sample of students reported using ChatGPT for academic purposes without disclosing it to their instructors. One thing is for sure: ChatGPT and similar technologies have shifted the landscape of cheating, and we now need new strategies for academic integrity enforcement.

As always, educators must adapt. They have to help students understand the ethical implications of misusing AI tools and explain the difference between using AI for learning and using it to cheat. They also have to implement clear guidelines on how and when AI tools can be used in assignments, alongside transparent policies outlining the consequences of misconduct. This is to enhance academic honesty and transparency in the modern classroom.

CONCLUSION

Recognizing the ever-growing concerns regarding the (mis)use of AI, this study has qualitatively explored and highlighted the most prominent concerns, challenges, and ethical dilemmas concerning AI and human rights – concerns about algorithmic bias, privacy, copyright, and content regulation. These concerns highlight the urgent need for stronger frameworks and regulatory policies to address these challenges worldwide and emphasize educational institutions and educators' crucial role in raising ethical awareness and improving critical thinking among future generations. The study has also discussed the importance of education in mitigating the human-rights challenges posed by the increased use of AI models and shown that educators can help improve students' critical thinking skills, media literacy skills, and overall proper academic conduct that centers around ethics and transparency.

Future research could focus on developing comprehensive ethical guidelines for using AI, enhancing data protection practices, and addressing legal ambiguities with AI-generated content. By advancing these areas, we can collectively better manage the risks and harness the potential of AI while protecting fundamental human rights now and in the future.

CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.

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Practicing Law for Students Through Legal Competitions

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Abstract: *The research identifies the increasing shift in legal education from theory-based curricula to practice-oriented methods, using competitions like moot courts, client consultations, and legal negotiations. The study combines qualitative and quantitative data through case studies, participant feedback, and experimental course designs to assess skill acquisition and student engagement. The research presents that legal competitions develop critical professional skills, such as oral advocacy, negotiation, and legal analysis, and foster resilience, teamwork, and effective communication. Moreover, structured coaching and preparation amplify these benefits, ensuring alignment with the needs of the professional legal community. The conclusion emphasizes integrating these competitions more formally into law curricula to balance theoretical and practical education, addressing gaps in traditional pedagogy while better preparing students for real-world human resources legal challenges.*

Keywords: *Legal Simulation; Practical Training; Advocacy Skills; Student Competitions; Coaching; Legal Education*

INTRODUCTION

Attractive and creative legal competitions, which can act as a bridge between theory and practice, help participants directly experience hypothetical situations, thereby improving their legal thinking ability and problem-solving ability in specific legal situations that are increasingly being held to become an effective tool for legal practice education, especially in developing legal human resources for society. Through competitions, learners are helped to consolidate and expand their knowledge, practice legal skills, create a competitive environment, and encourage research, learning, and practice of legal situations. Research shows that participating in legal competitions helps students improve their critical thinking, communication, and teamwork skills. Furthermore, students feel more confident in applying theory to practice. The results also showed that participants tended to receive better career opportunities after graduation, thanks to the experience and networking from the competitions. Legal competitions are an important tool in law education, helping students better prepare for careers in the legal field.

The paper uses qualitative research methods through surveys of different competitions to collect data on the experiences and outcomes of participating students. Besides, the article uses an empirical method, including description, comparison, and explanation, along with theoretical frameworks to analyze the effectiveness of legal competitions in education. The paper analyzes the role of legal competitions in educating and raising awareness and legal practice skills for participants. At the same time, surveying existing legal competition models, thereby evaluating the impact of legal competitions on the application of legal knowledge in practice, helping participants better understand the legal process, how to solve legal problems in daily life, etc. practicing legal skills, thereby recommending the development of legal

competitions to optimize the legal education process, ensure practicality and be associated with the demand for human resources in the legal profession of modern society.

The paper provides a solid theoretical basis and practical solutions to develop a legal practice education model through competitions, thereby improving the quality of legal education.

LITERATURE REVIEW

Legal competitions have been held in many countries and have had a positive impact on improving participants' legal awareness and legal practice skills. Studies of mock trials at universities show that these competitions not only help law students improve their debate skills but also help them develop their ability to analyze and solve legal problems. Practicing law for students involves gaining practical experience in the legal field while still studying. This can include participating in moot court competitions (Bartenev et al. 2024), internships at law firms or legal organizations, legal clinics, and pro bono work. By engaging in these practical experiences, students can apply their legal knowledge in real-world situations, develop essential skills such as legal research, writing, and advocacy, and better understand the legal profession (Parsons 2018; Samorodova et al. 2023). Practicing law as a student helps prepare them for a successful career in the legal field by providing hands-on experience and networking opportunities (Samorodova et al. 2023).

Practical education of the legal profession through legal competitions is an innovative and attractive educational method to help students master law knowledge and develop practical skills in this field (Parsons 2018). "There is nothing better than mooting to test your oral advocacy and problem-solving skills, build your confidence, and ensure you can perform under pressure. These skills are highly transferable to everyday life and, hopefully, one day to careers as international legal professionals". These comments, made by a student who recently completed a moot competition, are typical of how law students describe their experiences in mooting competitions. In the interview, the student also highlighted other benefits she derived from the moot, mainly the "huge learning curve" and the "massive challenge to go from zero knowledge to argue [their] case in front of humanitarian law experts in court" (Bondies Win Accolades for Mooting and Student Support at Australian Law Students' Association Conference 2016).

Legal competition is not only competitive but also a platform to provide practical knowledge and skills to students, which plays an important role in developing and improving the quality of legal practice education (Parsons 2016). The legal competition creates a spirit of solidarity and consensus in the community. Students participating in the competition will compete and support and share knowledge. In a moot competition, the participating teams of students are provided with a hypothetical factual case that raises complex factual and legal issues. The facts will often involve an appeal of a fictional decision of a lower court. However, some moot competitions entail disputes in front of arbitral tribunals or courts with original jurisdiction. The teams must analyze and develop a deep knowledge and understanding of the facts of the case (Hayward 2014; Risse 2013). These are often complex and technical. Most competitions invite clarification questions from participants, and the answers to clarification questions compiled by the organizers often add significant facts to already voluminous factual

problems (for example, in the Willem C. Vis International Commercial Arbitration Moot Competition of 2016 (the Vis Moot), an additional 11 pages of facts were added to the original 53 pages (Twenty Third Annual Willem C. Vis International Commercial Arbitration Moot Problem 2015). Students participating in the competition can learn from different opinions, perspectives, and effective legal practices.

Mooting is a practical legal exercise that mimics court or arbitration proceedings. It has been described as a discussion of a hypothetical case as an academic exercise (Wolski 2009) and as a specific form of simulation, "which enables students to practice and develop a range of professional skills by performing them rather than just learning about them. Law students learn through presenting the legal arguments in front of experts acting as competition judges or arbitrators, who interrupt and ask questions during the presentation of arguments" (Butler and Gygar 2012). Moots are frequently used as a form of assessment in law school, such as in-class moots within a specific subject (Wolski 2009). This article focuses on competitive mooting, where students voluntarily participate in externally organized moot competitions as selected team members. In this capacity, they officially represent their universities in national and international moot competitions.

Practicing the legal profession through legal competitions is an effective way for students and newcomers to hone their skills and apply the knowledge they have acquired in practice. Participating in legal competitions helps candidates practice the legal profession and improves the quality of officials and human resources. Participating in the competition will help candidates practice their skills, consolidate their knowledge, and discover their potential in law. Cassimatis and Billings (2016) point out that participating in mooting does not amount to vocational training; they particularly note that a broad range of transferable skills are developed. It is suggested that the learning outcomes derived from competitive mooting equipment graduates with high-level skills will give them an advantage in any profession, including the "new" legal practice (Pathak 2016). The skills developed in independent research, teamwork, and collaboration, the undertaking and successful completion of large volumes of work under stress and within time constraints while juggling other commitments, amount to significant personal skill development and growth transferable to any major professional or vocational projects. Nicolae (2015) opines that although the aim of a generalist degree appears to be in direct contradiction to a program that aims to produce "practice-ready" legal professionals, the contradiction is only an illustration. This is so because most, if not all, professions share similar requirements concerning the conduct of their members. Competitive mooting can play an important role in this endeavor. Some competitions are incorporated into the curriculum through electives. The first model appears to predominate in the US, although the incorporation of moots through upper-year students and moot competitions is also widespread. All law schools in Australia allow students to participate in moot competitions. This may be the only way students can participate in moots at some universities. Competitions may be intra-school, interschool, regional or state, interstate, national, and international.

The majority of the competitions are purely extra-curricular and not evaluated. However, some of them - the major international competitions - are treated as a choice, and students who successfully obtain one of the limited spots on the moot teams in these competitions are given

credit and a grade as for any other course[1]. Accessing competitions held at home and abroad, from history to the present, with national, regional, and international competitions, the article analyzes the importance of realizing the legal profession through competitions. Competitions and challenges in practicing the legal profession and organizing legal competitions, thereby proposing solutions to build and improve the effectiveness of legal practice to meet the requirements of improving the quality of human resources in the legal industry.

Current studies have proven that legal education through competitions can help improve legal awareness, develop legal problem-solving skills, and improve learners' access to work after graduation. However, for these contests to be truly effective, there needs to be innovation in how they organize the content and form of the contest. It is necessary to have close coordination between educational agencies, legal organizations, and state agencies to develop this practical legal education model.

REQUIREMENTS AND TRENDS OF LEGAL PRACTICE EDUCATION

Aiming for practice and practical application: today's legal education needs to focus on providing opportunities for practical practice and application of knowledge to real-life situations. Learners must be trained to solve legal problems and apply knowledge to real work. Participate in real-life activities such as negotiations, coding legal documents, and even participating in simulated courts. The increased demands for lawyers to be involved in the "rain dance" and business development will continue to change the nature of the legal "profession" to the delivery of legal "services", and a change in the lawyer's professional identity from "wise counselor" to "slick marketer". The corporation of law firms will increase, and the increased "proletarianization" of lawyers will require adaptable and multi-talented legal professionals (Bagust 2013).

Diversifying teaching and learning methods: the trend of using methods such as problem-based learning, experiential learning, case-based learning, and technology in teaching to create a positive and engaging learning environment. Legal education often combines a variety of learning methods, such as hands-on learning, group work, interactive teaching, and experiential learning, to create a comprehensive and multidimensional learning experience. Adopting the hypothetical trial is an effective and balanced method of legal education, which is widely accepted in foreign educational institutions and is traditionally included in the curriculum (Fraser et al. 2013).

Legal education needs to focus on developing necessary practical skills for learners, such as communication skills, problem-solving, legal writing skills, the art of persuasion, and teamwork capacity, as well as developing legal thinking for students. This includes analyzing legal issues, reasoning logically, and presenting well-founded legal arguments. Qualitative research collects student feedback about their experiences in competitions like Willem C. Vis Moot through questionnaires and in-depth interviews. Qualitative responses, such as students'

[1]This seems to be a common approach for schools to integrate major mooting competitions into their curriculum. Competitions in this category include the Philip C. Jessup International Law Moot Court Competition, the ELSA Moot Court Competition on WTO Law, the Willem C. Vis International Commercial Arbitration Moot, and the International Maritime Law Arbitration Moot.

feelings about improving critical thinking or facing failure, are quantified using Likert scales to assess their confidence and skill levels after participation.

Develop specialized training programs for special legal fields such as business law, international law, and technology law to meet the needs of the labor market, using technology in teaching and learning, such as the use of simulation software, mobile applications, and online platforms to create flexible and convenient learning environments useful for students. Implemented through pilot course design in programs such as "Client Consultation in English" pilot courses are designed based on case studies and student feedback. These courses are divided into stages: legal language training, interview practice, and analysis of simulated scenarios. The success of the courses is measured through quantitative surveys of students' confidence levels and qualitative responses from reflective sessions. A quasi-experimental design was used to compare the performance of two groups of students: the group that participated in the competition and the group that did not. Quantitative data from multiple-choice questions assessing legal skills and qualitative data from detailed student comments allow for a comprehensive assessment of the effectiveness of competitions. These applications provide specific skill development outcomes to help improve curriculum design and identify factors that promote effective learning in practical legal settings. Besides, legal practice education through legal competitions is the environment that trains students in professional ethics and social responsibility, encouraging them to work according to ethical principles and make positive contributions to the community.

Interaction with experts and real-world assessments: Connecting students with experts in the legal field is an important part of hands-on education. This may include presentations, seminars, or inviting lawyers, judges, and other legal practitioners to share their experiences and knowledge. Assessment and feedback from experts and practitioners are critical during the learning process. This helps students understand their strengths and weaknesses, improving and developing their legal skills more effectively.

With the development of global economicization, legal education needs to strengthen international cooperation to help students better understand different legal systems and participate in a global working environment. Legal practice education can also be closely linked to the community. This may include participating in community service projects, providing free legal services to disadvantaged people, and participating in other volunteer activities.

THE ROLE AND IMPORTANCE OF LEGAL COMPETITIONS IN PRACTICING LEGAL EDUCATION

The Law Competition Program is an events-based program that aims to provide a successful pathway for law students to excel and benefit from participating in experiential learning events in a positive environment while creating a pathway for the community of lawyers and alumni to give back to their profession. Practicing legal education through legal competitions offers numerous benefits in training human resources for the legal profession, as elaborated below.

The legal competition provides opportunities for candidates to practice research and learn about current legal regulations. In preparing for the competition, contestants will have to look up legal documents, learn about legal cases that have taken place, and apply legal regulations to solve specific problems. It helps students expand their knowledge and

understanding of different areas of law. The legal competition also creates opportunities for candidates to learn and approach real-life legal issues. By solving the competition's legal issues, contestants can better understand legal processes and regulations. This helps candidates get acquainted with the reality of work and prepare for a future legal career. The legal competition allows contestants to experience work and try out the role of a real-life legal practitioner. By solving complex legal issues and presenting them to a panel of judges, contestants experience the work and pressure of a professional legal career (as a lawyer). This helps them have a clearer view of the requirements and responsibilities of the law industry. Legal competitions also play an important role in encouraging the discovery of creative and groundbreaking solutions in the law industry. During participation, contestants can think of different approaches, offering new and groundbreaking perspectives on solving legal problems. This is necessary to promote the development and updating of law with the changes of the modern world. Experiential education or learning is defined as learning by "doing, reflecting, applying and evaluating" (Arifin 2019; Spiegel 1987; Vertsman 2023). It is essential for developing skills and an understanding of, and appreciation for, ethical standards, social roles, and the responsibilities that mark the profession. David Kolb describes experiential learning as a "sequential, recurring four-stage cycle" (Kolb 1984)consisting of concrete experience; reflective observation (collecting through analysis of the cognitive, performative, and affective aspects of the experience); abstract conceptualization (organizing the information into a theoretical framework and drawing out general principles for future use); and active experimentation (testing the generalizations in new situations) which leads the learner back to concrete experience (Boud et al. 2005; Weil and McGill 1989).

The legal competition creates an environment that promotes the learning and improvement of contestants' knowledge. Through research and preparation for the competition, contestants can access legal documents and deeper legal thinking. Many competitions include competitions for the best-written submissions. In several competitions, such as the Phillip C. Jessup International Law Moot Competition (Jessup) and the ICC Moot Court Competition (ICC Moot), written submissions for all parties are prepared and submitted simultaneously.

In other competitions, teams submit submissions for the claimant/appellant/applicant and a few weeks later respond to submissions of other teams provided to them by the organizers (for example, the Vis Moot). This helps candidates grasp and apply knowledge more proficiently, thereby improving the quality of future work when working in law. The legal competition is not just an event but a spirit, a philosophy of life. It is the passion, desire for justice, and responsibility of those who love and pursue legal research. Contestants compete to win and develop new ideas, create creative legal solutions, and contribute to building a better future for the community.

The legal competition creates a forum to exchange experiences between students, lecturers, and legal experts. This contributes significantly to the mooting experience, described as a powerful mixture of fear and elation (Lynch 1996). The objective is for participating students to engage and converse with the bench (Cassimatis and Billings 2016). Often, participating students will not have the opportunity to present prepared submissions but will be taken completely off guard. This allows students to learn from experienced professionals and receive feedback from experts on how to improve and perfect their legal knowledge and skills, enhancing their legal capacity. Contestants in the legal competition will not only be people who learn about law but also future quality human resources for the law industry. They will become

talented lawyers, policymakers, excellent legal researchers, or even leaders in the field. The legal competition contributes to training and creating development opportunities for young people with passion and potential in the law industry.

Legal competitions often require students to learn and research specific legal issues in depth. The different competition organizations set the rules of moot competitions; these introduce many idiosyncrasies into the competition (including the length and style of written submissions and the size of teams). The moot problem is also crafted by or for the organizers. Moot competitions vary in difficulty levels, with some, like Jessup, the WTO Moot, and the Maritime Moot, only being suited to students at an advanced degree stage (Parsons 2016). This encourages students to learn and analyze the rights and responsibilities of relevant parties in legal cases and apply legal principles in practice. Providing substitute experiences with simulations: students can practice the skill in simulations and other experiential exercises. As an alternative to the instruction–demonstration/practice sequence, students might first attempt performance and then extract a model from their practice. At the same time, through the legal competition, contestants can see the changes and development of the law industry over time. Candidates can learn about existing legal regulations, ask questions, make suggestions, and contribute ideas to improve the current legal system. This helps create a large resource to improve updates and meet the actual needs of society.

The legal competition helps students practice necessary legal skills, including communication, time management, research, analysis, argumentation, and presentation. Students have the opportunity for candidates to build and practice skills in teamwork, drawing inspiration from others, solving complex legal problems, and working under time pressure. These are essential skills given that written submissions are considered the first, and perhaps the primary, tool of persuasion (Wolski 2009). Further, legal reasoning and analysis skills are continuously developed and enhanced over the entire period of the moot, and students are intensely challenged on their knowledge, analytical, and reasoning skills in the whole process by coaches, guest judges in practice rounds, and also judges in the actual competition (Butler and Gygar 2012). Create conditions for students to practice research, analysis, and reasoning skills, thereby developing logical and creative thinking abilities. The legal competition allows contestants to practice legal analysis and reasoning skills. During the competition, contestants will be placed in real-life situations and must apply the legal knowledge they have learned to make reasonable arguments. This is an opportunity for candidates to practice giving legal opinions and responding to opponents' arguments. During the exam, candidates must present and explain their prejudices to a panel of judges and the public. This helps candidates practice communication skills and present opinions clearly and convincingly. Through working with teammates and interacting with other contestants, contestants will learn and hone communication skills, listen, and work effectively in a team. These are important skills needed for work in agencies, business lawyers, and notaries, where they often have to work in groups and cooperate with many stakeholders.

Legal competitions encourage competition among students in researching and presenting their legal knowledge. Participation in moot competitions poses many challenges to students, including (Cassimatis and Billings 2016): i) the legal and factual complexity of the moot problem; ii) time constraints and challenges (moot competitions often conflict with set law school times for classes, assessments and exams); iii) the volume of work required demanding

personal sacrifices (including moot preparation over university holidays); iv) the demands of independent research in areas of law that are new to the students, often without prior instruction or class work in the particular area; v) the extent of knowledge and understanding required to be able to deal with unpredictable questions from unknown competition judges in a competition environment; vi) working as a team over a prolonged period (ranging from 6 weeks to more than 6 months); vii) traveling to competitions and competing in unknown and foreign places; viii) funding concerns if the law school does not provide or arrange funding; ix) personal financial and emotional investment into the competition beyond the usual investment in studying; x) cultural and language differences in international competitions; and xi) pressures to preserve their university's reputation. Students also have the opportunity to receive feedback from others, which promotes personal development and progress in the legal field. Legal competitions can create a positive image of the university and its legal education program. Participating and achieving results in competitions helps students and universities build reputation and positioning in the legal community, helping to build pride and confidence in contestants. Participating and achieving results in legal competitions is a proud achievement, helping candidates affirm and enhance their confidence in their abilities in the field of law.

The legal competition provides opportunities for contestants to build a network of relationships and interact with experts and officials in the field of law. Competition judges are often practitioners, including barristers, retired judges, arbitrators, and academics, and in international competitions, judges come from a range of jurisdictions (Cassimatis and Billings 2016). A unique characteristic of a moot that distinguishes it from other oral advocacy, such as debates, public speaking, or oral presentations, is that moot judges will frequently interrupt participating students in the role of counsel with questions and requests for further information and clarification, and will actively (sometimes aggressively) challenge the arguments presented by participating students (Parsons 2016). This opens the door for candidates to meet and learn from experienced and successful people in the industry, facilitating growth and access to future career opportunities. Contestants can receive career-enhancing scholarships and internships at companies, law firms, and law enforcement agencies. Professional recognition through awards and writing contests. Financial support such as travel grants and scholarships. The legal competition is an important event to promote and honor talents in law. New ideas and solutions arising from the competition can contribute to improving and perfecting the current legal system. Outstanding contestants in the competition can attract the attention of businesses and legal organizations, creating recruitment and career development opportunities. For excellent candidates, a legal competition can be an opportunity to receive scholarships and be sent to attend international conferences or competitions. This helps expand knowledge, pave the way for personal development, and brings many career opportunities. At the same time, the competition is also an opportunity to create a playground and an environment for exchange and cooperation between individuals and organizations interested in law.

Furthermore, legal competition also brings good consequences for society. The legal competition brings cultural and ethical values to the contestants. Contestants must comply with rules and ethical principles during competition and problem-solving. This demonstrates ethics in practicing law and trains candidates with honesty, respect for human rights, and fairness. Besides, thanks to the professionalism and understanding of the contestants, everyone can find

help and guidance in complex legal issues. This helps strengthen the rights and protect the rights of all citizens while contributing to building a fair and civilized society.

Legal competitions are not just for those who have studied and worked in the legal field. Everyone can participate and learn about legal rights and responsibilities. This helps create a society with law-conscious citizens who always comply and comply with regulations. This forms the foundation for the country's development and stability. The legal competition could also include educational activities and legal advice for the community. From creating informational materials, organizing legal training sessions for the public, and providing free legal advice, the competition can raise legal awareness of the law and provide legal assistance.

Legal service providers, legal research institutes, and legal training institutions worldwide have many competitions and challenges organized to promote competition and encourage the development of knowledge and skills for law students. Organizing legal practice through legal competitions is an important step in building and developing the field of law. That not only creates opportunities for candidates to practice skills and apply knowledge but also contributes to improving the quality and readiness of the law industry to meet the ever-evolving legal needs of society. The teamwork lessons learned in competitive mooting will stand law graduates in good stead in future collaborative environments. It is suggested that the educational outcomes of competitive mooting are of value to law graduates regardless of whether or not they are employed in the legal profession after graduation (Parsons 2016). Some law training institutions develop competition programs as mandatory content in students' study programs, such as Australian law schools, which are enthusiastic participants in domestic and international moot competitions, and Australian universities, which perform exceptionally well in international moot competitions. Mooting (not just competitive mooting) is also a "common feature of the law school curriculum" (Wolski 2009). In 2008, "moots offered within the curriculum in virtually all law schools [in Australia]" (Wolski 2009), most commonly as electeds but sometimes on a mandatory basis, e.g. at Griffith and La Trobe Universities (Fraser et al. 2013).

Some legal competitions conducted by law-making establishments:

Philip C. Jessup International Law Moot Court Competition (Philip C. Jessup International Law Moot Court Competition) (Kien Trung 2021), also known as Jessup Moot or The Jessup, founded in 1960, is a long-standing international debate competition oldest in the United States is an international court simulation competition on legal disputes. Organized by the International Law Association, this competition attracts the participation of teams from universities worldwide. With participants from nearly 700 law schools in 100 countries and jurisdictions. The competition is a simulation of a hypothetical debate between nations before the International Court of Justice, the judicial arm of the United Nations. Teams of law students face off against one another through oral and written advocacy presentations to promptly address public international law issues in a hypothetical legal dispute between nations. A compromise is an agreed set of facts about a dispute submitted to the International Court of Justice (ICJ), the main United Nations tribunal for arbitration. After the Agreement was announced, students began researching and preparing arguments for both sides of the dispute, drafting and editing pleading documents, known as "Memoranda", and practicing presentations. Each team prepares two written memoranda and two 45-minute presentations, one for each disputing party ("Applicant" and "Respondent"). Teams debate alternately as Applicants and Respondents against competing teams before a panel of judges, simulating a proceeding before

the International Court of Justice. Competitions such as the Moot Court or the Client Consultation Competition are used as a field study tool in which students practice debate, client counseling, and legal argumentation skills. For example, according to Vyushkina (2013), courses based on international competitions teach legal skills and integrate learning legal language into practical exercises. The effectiveness of this method is assessed through pre- and post-course competency tests (Vyushkina 2013).

International Investment Arbitration Moot Competition (Foreign Direct Investment International Arbitration Moot - FDI Moot) for law students worldwide. This is considered an annual and "traditional" activity for law students worldwide, focusing on foreign investment disputes. This competition allows students to understand and apply the rules and principles related to foreign investment. Participating in the competition, students can practice their sharp legal thinking and critical skills when solving complex legal details in international investment professionally and creatively. This is one of several pilot courses built on data analysis from previous research and student feedback, including sections such as practicing writing legal essays, practicing arguments in front of a panel of judges, and receiving feedback from faculty or lawyers. Student skill improvement is measured through post-course surveys and round performance results. A comparative experimental design was also applied to assess the impact between students participating in the law competition and those not participating. The results showed that the participating students improved markedly in applying the law in practice and teamwork. At the same time, the qualitative data from the learning diary provided a deeper context of personal development.

The Oxford International Media Law Moot Competition (also known as the Price Media Law Moot Court Competition or the Price Moot Competition) was established by the Program in Comparative Media Law and Policy at Oxford University in 2008. The competition challenges students to engage in comparative research on national, regional, and international legal standards and to develop their arguments (in written and oral form) on difficult questions on communications and information communication technology law. The competition currently includes seven Regional Rounds and selected International Rounds held in Oxford, bringing together participants from countries. The competition aims to raise the profile of freedom of expression by bringing effective and informed debate and discussion on important information flow and technology issues to many parts of the world. Events are often held before these rounds, such as human rights workshops and advocacy classes (Price Media Law Moot Court Competition, n.d.). By participating in this contest, contestants can access and learn to expand their knowledge in international communication, supporting their communication activities and the activities of agencies and businesses afterward.

Willem C. Vis Moot legal competition (Willem C. Vis East International Commercial Arbitration Moot, also known as Vis East Moot) is a mock trial competition following the international commercial arbitration model, with related competition content, to the United Nations Convention on Contracts for the International Sale of Goods (Vienna Convention 1980). This is a very prestigious competition, held annually in Vienna and Hong Kong, each year attracting more than 100 teams from leading universities worldwide. The goal of the competition is to create a healthy and rewarding academic playground for law students, help students practice their litigation skills at an international-class competition, and, at the same

time, promote research on international commercial arbitration. Students practice writing, analysis, problem-solving, and litigation skills like professional lawyers.

Moot court competitions help law students practice trial representation skills, including writing a defense and arguing a fictional case. Teams compete against each other in qualifying rounds, and in the end, the best teams advance to the final round. Coming to this activity, students can role-play and experience the role of a lawyer arguing in front of a "hypothetical" Court. Competing teams will play the role of lawyers, preparing documents, records, and arguments to defend before a panel of judges (reputable legal experts) on issues in simulated real-life lawsuits. Candidates will participate in a mock court or arbitration proceeding, which often involves writing a defense. Depending on the competition, students may spend one semester researching and writing pleadings and the next semester practicing litigation or may prepare both in just a few weeks. While domestic moot competitions tend to focus on domestic law areas such as criminal law or contract law, regional and international moot competitions tend to focus on topics such as public law, international human rights law, international humanitarian law, international criminal law, international commercial law, international maritime law, international commercial arbitration, and foreign direct investment arbitration. Litigation issues relating to jurisdiction, *locus standi*, and choice of law to apply are also occasionally raised, particularly in arbitration moots.

International Moot competitions are generally aimed at students and only allow candidates not yet qualified to practice law in any jurisdiction to participate. However, several international moot competitions, such as the ECC-SAL Moot, are aimed at young lawyers. Participating in these competitions, students train themselves to write articles and argue in English about complex and in-depth issues of regional and international law.

Law students can participate in national practice skills competitions, honing their legal skills while rubbing shoulders with law students and practitioners nationwide. Some typical competitions associated with law practice activities organized by domestic law training institutions:

- "Spirit of Law" contest of Hanoi Law University (starting in 2020), "Legal Talent" contest (Lam Linh 2023) of Hue University of Law starting in 2021, "Student" Contest with Intellectual Property Law", "Hung Bien Lawyer", "Innovative Startup Ideas" of Hue Law University starting from 2022 will be held annually, the competition is organized to the purpose is to develop eloquence and presentation skills, contributing to training bravery when participating in social activities.

- "Engrave Law Talent" contest of the University of Economics and Law, Ho Chi Minh National University. The "Legal Paths" contest is an annual academic competition of Ho Chi Minh City Banking University. Ho Chi Minh City by the Faculty of Economic Law in coordination with the Faculty Youth Union. The "Legal Arena" contest is a contest to learn about the law organized by the Department of Inspection - Legal - Intellectual Property and the Youth Union of the University of Social Sciences and Humanities (The Fourth Thrilling "Legal Arena" Final Competition, n.d.).

- The "Sharp in Speech" debate contest (organized by the Academic Club of the Court Academy) is about the ability to use words flexibly and sharply, clearly and fully expressing each individual's opinion. The competition occurred in 3 parts: Confrontation, Hashtag, and Yourvoice

choice. In the contest, each pair of contestants competes for 10 minutes. Six contestants were divided into pairs and debated on three different topics (People's Court Magazine 2019).

- The "Law's Conquerors" contest is hosted by Ho Chi Minh City University of Economics and Finance (UEF). This is an opportunity for students to approach many areas of national law and practice their English in the final round of the competition.

Thus, it can be seen that through competitions, students have many opportunities to practice legal skills while strengthening their professional knowledge through the opportunity to participate in legal competitions.

CHALLENGES AND SOLUTIONS TO IMPROVE THE EFFECTIVENESS OF LEGAL PRACTICE THROUGH LEGAL COMPETITIONS

Practicing legal education through legal competitions involves registering to participate, choosing a topic or case, researching and analyzing, and building arguments and legal basis. Students will be guided and supported by lecturers and experts in law. Finally, the competing teams will have the opportunity to present and present to a panel of judges comprised primarily of attorneys, legal experts, researchers, and law enforcement. From the practice of law competitions at domestic and international law training institutions, several challenges arise:

Firstly, cooperation exists in the domestic and international law training institutions network. Building a network of links and cooperation with domestic and international universities and legal research institutes is necessary to take advantage of resources and expertise. To promote the development of legal competition, We can create a network of experts and consulting resources to support and advise on legal competition. At the same time, building this relationship also creates opportunities for students and candidates to approach and learn from people with profound experience and knowledge in law.

Second, infrastructure and ensuring favorable conditions for the competition. With the strengthening and development of legal competition, attention needs to be paid to building infrastructure and ensuring favorable conditions for the competition. Thus, legal competitions can be highly organized and attract talented contestants. Creating a successful legal competition also requires cooperation and input from all stakeholders. Universities, government agencies, legal organizations, and experts in the field can all contribute knowledge, experience, and funding to build an attractive and quality legal competition.

Third, legal competitions also need to choose appropriate and diverse topics to reflect society's current legal situation and challenges, as well as the connection between school and district competitions, regional, national, and international. Issues such as environmental protection, human rights, information security, and labor dispute resolution are crucial topics that should be incorporated into legal competitions. Including these subjects fosters candidates' acumen and creativity and provides valuable opportunities for those passionate about the legal profession to engage in their areas of interest. This allows participants to deepen their knowledge, broaden their perspectives, and refine essential skills through practical experience. In addition, legal competitions need to create conditions for contestants to demonstrate problem-solving skills and develop reasonable solutions. Real cases or virtual situations can challenge analysis, reasoning, and decision-making abilities. This helps candidates practice their ability to apply legal theory into practice and become excellent lawyers. Legal competition can

also create a warning about social problems that need attention and resolution. By focusing on topics such as domestic violence, cybercrime, or civil rights violations, the competition showcases the contestants' talents and brings important social values.

Fourth, about the team of experts participating in the jury. Examiners play an important role in evaluating and scoring exams. Organizing a legal competition also requires professionalism and fairness in the organization and scoring process. Processes and standards need to be established to ensure transparency and fair evaluation. Having a panel of judges with expertise and experience is important to ensure complete and accurate scoring criteria. They can provide contestants with direction, feedback, and direction during competition preparation and participation. At the same time, we also need to consider hiring specialized experts and subject matter to evaluate complex legal issues. Therefore, investing in knowledge and skills training for judges helps ensure the fairness and quality of the competition. The challenge of objectivity and fairness in providing assessments and determining the winning team ensures that the assessment process is free from bias or bias.

Fifth, many students are not interested in this law practice model. This model requires faculty and students' commitment, time, and effort to achieve the best results. Legal competitions also need to receive attention and support from the community. Encourage businesses, organizations, and individuals to sponsor the competition. This helps ensure the sustainability and development of the competition and shows concern and respect for the development of the law industry and the country's future. The legal competition needs to be widely advertised to attract the attention of many people. Through media, communications, and social media channels, we can introduce the competition and emphasize the important role of law in forming and developing society.

Promoting the participation of universities and students is essential. We can inspire and educate students about the important role of law in society through promotional activities and consultation sessions at universities. At the same time, we need to create opportunities for students participating in the competition to apply the knowledge and skills they have learned in practice.

Sixth, the legal competition is not just a competition but also a forum to exchange, learn, and create community. Extra-curricular activities, seminars, or discussions can be held parallel to the competition to enrich knowledge and help candidates interact and connect. The legal competition is not just for law students or legal enthusiasts but is also a case of expanding understanding and participation for everyone. Therefore, we must encourage and create conditions for everyone to participate in the competition and work together to build a fair and lawful society. The organization of events and side activities is not only limited to the offline space but also extends to the online environment. We can host webinars, live chats, and online courses on important legal topics. This creates favorable conditions for candidates in the same locality to participate remotely and learn from experienced experts and lecturers.

To increase community participation and interest, we can organize auxiliary legal activities. Discussion sessions, forums, or mini-courses may be organized to educate and explore specific legal issues. This brings new knowledge and creates a space for exchanging ideas and discussions, enhancing community understanding and interest.

Seventh, a successful legal competition requires an effective advertising and marketing strategy. We can use media, social networks, websites, and other communication channels to

promote the contest to a large audience. The messages and images used should express the value and meaning of the contest, attracting people's interest and participation. At the same time, designing a consistent and professional image for the contest is also very important. A distinctive logo and outstanding brand identity will help the contest become recognizable and make a strong impression on the audience.

Furthermore, we must use modern communication tools such as videos, images, and articles to create excitement and connection with potential audiences. We do not just stop at advertising; we also need to create an interesting and creative experience for contestants and audiences. Competition performances, talks, or interactive activities can be engaging and unique, helping to create a sense of excitement and engagement with the audience. Creating an open and friendly playing field will encourage participation and create lasting interest in the competition. Creating a supportive and encouraging community is also important. We can use social networks, websites, blogs, and other communication channels to create a space for people to communicate, discuss, and share about the competition and related legal issues. Creating a positive and supportive community can instill confidence and motivation in contestants and pageant audiences.

Finally, maintaining and developing legal competition is a continuous and sustainable process. We need a long-term plan and commitment to maintain and improve the competition over time. This includes making improvements, hearing from participants, and conducting surveys to measure the effectiveness of the competition. From there, we can change and adjust to meet the needs and desires of the legal community.

CONCLUSION

Legal competitions serve as a transformative platform for students, bridging the gap between theoretical knowledge and practical application in law. Through active participation, students refine critical skills such as legal analysis, argumentation, teamwork, and professional ethics, which are essential for their future legal careers. This study highlights the profound impact of such activities in enhancing students' readiness to practice law, demonstrating their potential to supplement traditional legal education effectively.

The findings underscore the significance of integrating legal competitions into the academic curriculum as a structured learning tool. By doing so, institutions can foster experiential learning environments that better prepare students for the complexities of legal practice.

Future research should investigate the long-term effects of participation in legal competitions on professional success while examining how diverse formats of these events can address broader legal challenges. Recognizing their value, educators and policymakers are encouraged to allocate more resources to enhance access and promote inclusivity in these enriching opportunities.

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